

OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 21

In The Matter Of:

Leo Marine Services, Inc. Case Nos. 19-CA-273208
Olympic Tug & Barge, Inc., and
Centerline Logistics
Corporation

and

Olympic Tug & Barge, Inc. 19-CA-273220

and

Centerline Logistics 19-CA-273226
Corporation 19-CA-273928

and

Leo Marine Services, Inc. 19-CA-273985

and

Centerline Logistics 19-CA-273771
Corporation,
Westoil Marine Services, Inc.,
and
Harley Marine Financing, LLC

and

Seafarers International Union 19-CB-273986

and

Inlandboatmen's Union of The
Pacific

and



Centerline Logistics
Corporation,
Leo Marine Services, Inc., and
Olympic Tug & Barge, Inc.

21-CA-273926

and

International Organization of
Masters, Mates & Pilots, AFL-
CIO

Place: Los Angeles, California (Via Zoom Videoconference)

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

REGION 21

<p>In the Matter of: LEO MARINE SERVICES, INC., OLYMPIC TUG & BARGE, INC., AND CENTERLINE LOGISTICS CORPORATION</p>	<p>Case Nos. 19-CA-273208</p>
<p>and</p>	
<p>OLYMPIC TUG & BARGE, INC.</p>	<p>19-CA-273220</p>
<p>and</p>	
<p>CENTERLINE LOGISTICS CORPORATION</p>	<p>19-CA-273226 19-CA-273928</p>
<p>and</p>	
<p>LEO MARINE SERVICES, INC.</p>	<p>19-CA-273985</p>
<p>and</p>	
<p>CENTERLINE LOGISTICS CORPORATION, WESTOIL MARINE SERVICES, INC., AND HARLEY MARINE FINANCING, LLC</p>	<p>19-CA-273771</p>
<p>and</p>	
<p>SEAFARERS INTERNATIONAL UNION</p>	<p>19-CB-273986</p>
<p>and</p>	
<p>INLANDBOATMEN'S UNION OF THE PACIFIC</p>	
<p>and</p>	

CENTERLINE LOGISTICS
CORPORATION,
LEO MARINE SERVICES, INC., AND
OLYMPIC TUG & BARGE, INC.

21-CA-273926

and

INTERNATIONAL ORGANIZATION OF
MASTERS, MATES & PILOTS, AFL-
CIO

The above-entitled matter came on for hearing, (via Zoom videoconference) pursuant to notice, before **IRA SANDRON**, Administrative Law Judge, at the National Labor Relations Board, Region 21, 312 North Spring Street, Tenth Floor, Los Angeles, California 90012, on **Wednesday, August 10, 2022, 9:09 a.m.**

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Cesare Bristol	344, 380	382	413	417	391
Jason Pieniazek	426	453	460		
Nicholas Buzard	463, 475				474

E X H I B I T S

<u>EXHIBIT</u>	<u>IDENTIFIED</u>	<u>IN EVIDENCE</u>
General Counsel:		
GC-156	344	345
GC-15	350	351
GC-16	359	359
GC-17		Withdrawn
GC-18	439	441
GC-19	444	444
GC-20	472	475
GC-21	475	
MMP:		
MMP-1	451	451
Respondent:		
R-100	398	400
R-101	400	NOT ADMITTED
R-102	403	NOT ADMITTED
R-103	402	403
R-301	387	REJECTED
R-303	391	392
R-304	459	459

1 P R O C E E D I N G S

2 JUDGE SANDRON: Today our courtroom deputy is Sam
3 Tannenbaum, T-A-N-N-E-N-B-A-U-M.

4 I think before we go further, I think we had -- I had
5 mentioned at least yesterday, the treatment of hearsay, and I
6 wanted to put this in the record. And I'm going to quote the
7 Board on this. "Administrative agencies ordinarily do not
8 invoke a technical rule or exclusion, but admit hearsay
9 evidence and give it such weight as its inherent quality
10 justifies." And that is in Midland Hilton & Towers, 324 NLRB
11 1141 -- 1141, footnote 1, 1997. Enforcement denied on other
12 grounds, 598 F.2d 1267, Second Circuit, 1979.

13 Counselors are of course, welcome to object on hearsay
14 whenever they feel that's appropriate, so it's on the record,
15 but generally speaking, unless hear -- hearsay is clearly
16 totally unreliable or totally unrelated, it will be admitted
17 and then given appropriate weight.

18 So I think we're ready to resume the direct examination of
19 Mr. Bristol.

20 MR. BRISTOL: Yes.

21 JUDGE SANDRON: So Ms. Yasserli, do you want to go forward?

22 MS. YASSERI: I don't -- Your Honor, before we actually
23 resume Mr. Bristol's direct examination, I'd like to alert you
24 of an issue. This morning at 8 a.m., we received over 130 on-
25 duty meal period agreements from Respondent's counsel. These

1 were documents that were subpoenaed and that should have been
2 provided last week. Again, I know Respondent's counsel
3 mentioned yesterday that if there were documents that we had
4 requested and that had -- that had not been produced, that we
5 should alert him of this fact.

6 We just wanted to note to the record we're unclear as to
7 how much more specific we need to be, because the actual
8 request in our subpoena stated documents entitled "on-duty meal
9 period agreements executed by Leo Marine employees working out
10 of Leo Marine's San Pedro facility during the period of
11 February 1st, 2021, to the current date". We had a similar
12 request in our subpoena to Respondent Westoil.

13 The failure of the Respondent to timely produce this
14 information is unduly prejudicing the General Counsel's case,
15 and we reserve the right to recall witness as a result of this
16 issue. And if this appears to be an ongoing problem, Your
17 Honor, we will consider possibly seeking evidentiary sanctions
18 against Respondents. And because of this, we will be
19 withdrawing General Counsel's Exhibit 17 that was admitted into
20 the record, and we'll -- we will be asking Mr. Bristol about
21 the document that he actually electronically signed now that we
22 have received it.

23 JUDGE SANDRON: Do you want to then substitute the copy
24 that he signed for the blank copy?

25 MS. YASSERI: I -- we -- I find the -- this doc -- the

1 document that he signed, a separate exhibit number, so that may
2 be --

3 JUDGE SANDRON: All right. Well, that's fine. If you've
4 already marked it, that's fine. So we'll consider 17
5 withdrawn.

6 **(General Counsel Exhibit Number 17 Withdrawn)**

7 MS. YASSERI: Thank you, Your Honor.

8 JUDGE SANDRON: All right.

9 MR. HILGENFELD: Your Honor, may --

10 JUDGE SANDRON: Yes?

11 MR. HILGENFELD: -- the Respondents respond for the
12 record?

13 JUDGE SANDRON: Yes.

14 MR. HILGENFELD: Thank you.

15 JUDGE SANDRON: Go ahead.

16 MR. HILGENFELD: We did believe we filed all of the on-
17 duty meal periods, and that was a fault of my office. So
18 during the production of half a million documents that we
19 reviewed, we had a Dropbox set up with the client. We informed
20 counsel of this as soon as we found out last night at 5:00 that
21 there were some missing mail periods. We gave them Mr.
22 Bristol's last night as soon as we found it.

23 This morning, we were able to confirm that the problem was
24 that there was two folders that were named on-duty meal
25 periods. One was produced at the RC (phonetic throughout)

1 hearing. All of those that had been produced. There was
2 another folder that was in a separate folder that was -- had
3 personal private information. It was excluded. My office
4 inadvertently, but mistakenly, thought they contained the same
5 pe -- same documents. We've produced all of those this
6 morning. We've also catalogued the names of the individuals
7 that it is produced. We produced all the Westoil ones as well.

8 So we will continue -- if there's -- on that piece, it was
9 specific, and we were able to identify. If General Counsel has
10 anything specific, we are happy to look at it. Again, we've
11 produced 80,000 documents in a three-week period. It is
12 impossible to understand with certainty exactly what is on the
13 General Counsel's mind. We are happy to work with the General
14 Counsel.

15 Thank you.

16 JUDGE SANDRON: All right. Well -- well, the parties'
17 positions are noted on the record. I -- I would note at this
18 point, that we're not going to finish this week. So there will
19 be an opportunity between now and our planned assumption date
20 of August 29th to see where the situation stands as far as the
21 General Counsel getting all of the documents that were
22 requested pursuant to the subpoena. So and -- if, as the
23 General Counsel states, there comes a point where she feels
24 that the Respondent has not acted in good faith, then she can,
25 if she chooses, ask that sanctions be imposed. But that will

1 be her prerogative. And then, of course, Mr. Hilgenfeld, you
2 can respond to that if that occurs.

3 All right. Are we ready, then, to resume direct
4 examination?

5 MS. YASSERI: Yes, Your Honor.

6 JUDGE SANDRON: Okay. Please, proceed

7 MS. YASSERI: Okay.

8 Whereupon,

9 **CESARE BRISTOL**

10 having been previously sworn, was called as a witness herein
11 and was examined and testified, telephonically as follows:

12 **RESUMED DIRECT EXAMINATION**

13 MS. YASSERI: Good morning, Mr. Bristol.

14 THE WITNESS: Good morning.

15 Q BY MS. YASSERI: Mr. Bristol, I'm going to show you a
16 document that's been marked for identification as General
17 Counsel's Exhibit 156. Do you recognize this document on your
18 screen?

19 A Yes, I do.

20 Q Okay. And what does it appear to be?

21 A It is the on-duty meal period agreement where I basically
22 signed the meal pay away.

23 Q Okay. And this appears to be electronically signed; is
24 that right?

25 A Yes. That's correct.

1 Q And the date on there, February 11th, 2021, is that the
2 date that you recall electronically signing this document?

3 A Yes. That's correct. My pre-onboard documents that
4 I - one of the pre-onboard documents I'd been signing.

5 MS. YASSERI: Your Honor, at this time I'd like to move
6 for the admission of General Counsel's Exhibit 156.

7 JUDGE SANDRON: Any objection?

8 MR. HILGENFELD: No objection, Your Honor.

9 JUDGE SANDRON: The document is received.

10 **(General Counsel Exhibit Number 156 Received into Evidence)**

11 MS. YASSERI: Thank you.

12 Q BY MS. YASSERI: Mr. Bristol, yesterday you testified that
13 you started working for a Leo Marine Services on March 1st,
14 2021; is that right?

15 A Yes. That's correct.

16 Q Did you attend any employee orientation at Leo Marine?

17 A Yes. I attended two days of orientation.

18 Q And when was that?

19 A Approximately February 23rd and February 24th of 2021.

20 Q And where did the orientation take place?

21 A At LA berth 301.

22 Q And what was the time -- focusing on the first day, the
23 February 23rd, 2021, what time did the orientation begin that
24 day?

25 A On or around 0900.

1 Q Okay. And other than yourself, who attended that
2 orientation on the 23rd of February?

3 A There was a total of about seven of us. At the time, I
4 had been employed by Foss, so fellow Foss employees. Dan
5 Aurella -- I'm sorry, Mike Aurella, Todd Bonsky, Giuseppe Di
6 Maria, myself, and then three other new employees that I've
7 never met for -- for Leo. One was Damon Jackler. The other
8 was Connor Gallagher. And the third one was AJ (phonetic
9 throughout), I do not recall his last name.

10 JUDGE SANDRON: Do -- do you know --

11 Q BY MS. YASSERI: I'm sorry. The last name of --

12 MS. YASSERI: I'm sorry, Your Honor.

13 Q BY MS. YASSERI: The last name of Connor sort of broke up
14 for me. Can you please re -- repeat Connor's last name, Mr.
15 Bristol?

16 A Yeah. Gallagher.

17 JUDGE SANDRON: Ms. Yasseri, do you -- do you want -- I
18 think some of them may have been already spelled on the record,
19 but do you have the other spellings? If you have them.

20 MS. YASSERI: I believe I have Gallagher,
21 G-A-L-L-A-G-H-E-R. Jackler, I have J-A-C-K-L-E-R. And the
22 last individual I believe Mr. Bristol testified he didn't know
23 his last name.

24 Q BY MS. YASSERI: Now, Mr. Bristol, at the time of this
25 orientation on February 23rd, 2021, were you still employed by

1 Foss Maritime?

2 A Yes. That's correct.

3 Q Tell us about that first day of the orientation. How --
4 how did it start?

5 A It started out with their safety manager, Ben Kotin,
6 introducing himself, going over some safety policies,
7 introducing new safety equipment for us, and then handing it
8 over to the general barge manager, Brian Vartan, who kind of
9 gave us a rundown of what the orientation day would go. And
10 then, from there we, you know, jumped right into giving our
11 documents, filling out some paperwork, and reviewing some
12 policy videos, and -- and like -- things like that.

13 Q And what did you do after you reviewed the policy videos?

14 A It was an all-day affair. We -- we had lunch there, and
15 then once lunch happened, we were introduced to the Centerline
16 vice president, Doug Houghton. That was real short. Just a --
17 a quick introduction. And then, from there we resumed more
18 policy videos.

19 Q Okay.

20 JUDGE SANDRON: I -- I think -- Mr. -- could you spell Mr.
21 Houghton, just so we have it on the record? I think it's in
22 documents, but --

23 MS. YASSERI: Yes, Your Honor. I have Doug Houghton.
24 Houghton, H-O-U-G-H-T-O-N.

25 Q BY MS. YASSERI: Mr. Bristol, how did Doug -- Mr. Houghton

1 introduce himself at the orientation?

2 A As a -- Centerline vice president.

3 Q Do you recall him saying anything else at the orientation
4 other than introducing himself?

5 A No. Just kept it real short. Mainly, just glad to have
6 everyone aboard, and then after that we were having lunch.

7 Q And -- and what happened after lunch?

8 A Resumed policy videos and then from there, we -- it was
9 getting close to the end of the day, and Mr. Brian Vartan came
10 in with some additional paperwork -- hardcopy paperwork for us
11 to fill out and placed it on a -- like a front desk in the --
12 in the room and to just kind of give us a notice, because we
13 were on laptops during these policy videos, so we kind of had
14 to take our headphones out. And he just said, we have some
15 extra paperwork here for you guys to sign and just to get it
16 back to us by the end of the day, and we'll give you guys'
17 copies tomorrow.

18 Q Okay. Do you recall Mr. Vartan saying anything else about
19 the paperwork before putting it on the table?

20 A At that moment, no.

21 Q Okay. What, if anything, happened after Mr. Vartan had
22 dropped off the paperwork on the table?

23 A One of my soon-to-be colleagues was first to the table to
24 grab the paperwork and was, you know, obviously reading it and
25 kind of turned back to all of us --

1 JUDGE SANDRON: Okay. We're breaking up just a little
2 bit, so let's make sure that everything you say gets recorded,
3 because I think you're breaking off at certain times.

4 THE WITNESS: Okay. Can you hear me clearly now?

5 JUDGE SANDRON: Yes, I think so.

6 MS. YASSERI: Yes.

7 THE WITNESS: Okay. He -- he -- he motioned that he saw
8 the three letters SIU, Sailors (sic) International Union, on
9 this paperwork, and it -- that caught us all off by -- caught
10 us off guard, because we were told that we would be a nonunion
11 company. Come to find out when I grab the paperwork, it was a
12 SIU application -- membership application and a dues deduction
13 form.

14 Q BY MS. YASSERI: What -- what, if anything, did you do,
15 Mr. Bristol, after you saw the SIU membership application and
16 the dues deduction form?

17 A Me and fellow colleagues kind of consulted together. Just
18 kind of scratching our head, because we thought it was going to
19 be a nonunion company. Then, we just proceeded to our desk to
20 start finishing policies and had some questions for Mr. Vartan
21 once he returned to the room.

22 Q At any point in time during the orientation, do you recall
23 taking a photograph of -- of either the membership application
24 or the dues deduction form?

25 A Yes, I have.

1 Q Okay. I'd like to show you a document that's been marked
2 for identification -- give me one second -- as General
3 Counsel's Exhibit Number 15. Do you recognize these images,
4 Mr. Bristol?

5 A Yes, I do.

6 Q Did you take these photographs.

7 A Yes, I did.

8 Q And can you tell us what these photographs depict?

9 A Well, you're going back for -- the one -- right there,
10 that form is the dues deduction form --

11 Q Yes. There's --

12 A -- for --

13 Q My apologies.

14 A Yeah.

15 Q The first photo as part of General Counsel's Exhibit 15.

16 A That -- yes. Let me zoom in. Sorry.

17 JUDGE SANDRON: All right. Well, I think it speak -- it
18 speaks for itself. It's a check-off authorization for SIU.

19 MS. YASSERI: Okay. And -- okay.

20 JUDGE SANDRON: And I think the -- the same is true of
21 the -- the second page is a membership application for the SIU.
22 So -

23 MS. YASSERI: Yes. Okay.

24 Q BY MS. YASSERI: Mr. --

25 JUDGE SANDRON: And there's one more page though. Maybe

1 we should get to that one.

2 MS. YASSERI: Yes. There's one more page.

3 JUDGE SANDRON: So we can --

4 THE WITNESS: Yes. That's just part of the application.
5 It's a -- another page with the application.

6 JUDGE SANDRON: And you -- you took all three of these
7 photos at the time you were there?

8 THE WITNESS: No. I believe I took those about a few
9 hours after orientation once I receive -- once I went home.

10 JUDGE SANDRON: Oh, so you received paper copies of -- of
11 this, and then at home, you took a photo of them.

12 THE WITNESS: Correct. I didn't -- I did not fi -- none
13 of this filled this out the day of.

14 JUDGE SANDRON: I see. Mr. Hilgenfeld, any voir dire or
15 objections?

16 MR. HILGENFELD: No voir dire. No objections.

17 JUDGE SANDRON: All right. Document is received.

18 **(General Counsel Exhibit Number 15 Received into Evidence)**

19 Q BY MS. YASSERI: Just to clarify, Mr. Bristol, these
20 photo -- photographs, do these depict the forms that Mr. Vartan
21 had left on the table at the February 23rd, 2021, Leo Marine
22 employee orientation?

23 A Yes. That's correct.

24 JUDGE SANDRON: Well, that -- that you took home.

25 THE WITNESS: Yes. That's correct.



1 MS. YASSERI: That you took home. Thank you, Your Honor.

2 Q BY MS. YASSERI: Mr. Bristol, you testified yesterday that
3 during a phone conversation that you had with Brian Vartan on
4 about February 8th --

5 JUDGE SANDRON: Let me ask him just one other question.

6 MS. YASSERI: Yes.

7 JUDGE SANDRON: At -- on that first day, when you saw
8 these forms, do you recall anyone saying anything to
9 representatives of, we're going to say, the company about SIU?
10 Do you remember anybody asking any questions about that?

11 THE WITNESS: You mean myself and fellow colleagues?

12 JUDGE SANDRON: Right. Did any of you actually say
13 anything that -- that to management, let's say, about that
14 subject on that day?

15 THE WITNESS: Yes. We asked, you know, where these forms
16 are coming from as our prior knowledge of being a nonunion
17 company. We asked that our -- is this, you know -- is this a
18 done deal? Is this -- where is this coming from? Is there --
19 how has there been -- has there been pledge cards already? You
20 know, is this, basically, a finalized cooperation with SIU? We
21 were told that --

22 JUDGE SANDRON: All -- all right. Wait one second. To
23 whom did you address those concerns?

24 THE WITNESS: To a bunker barge manager, Brian Vartan.

25 JUDGE SANDRON: And did he respond to you that day?

1 THE WITNESS: Yes, he did. He responded with, I was told
2 that it is a done deal. They pledged up in San Francisco and
3 that they are in the middle of finalizing the contract.

4 MS. YASSERI: Thank you, Your Honor. I -- I was actually
5 just going to ask a -- a number of those questions. So I
6 appreciate you bringing that up.

7 Q BY MS. YASSERI: Just -- just to circle back -- just to
8 circle back, Mr. Bristol. You testified yesterday that during
9 a phone conversation that you had with Brian Vartan on February
10 8th, 2021, Mr. Vartan had told you that Leo Marine was going to
11 be a nonunion company; is that right?

12 A Yes. That's correct.

13 Q Do you know why you had received these forms at the
14 orientation?

15 A No. I do not know why. I just assumed after hearing Mr.
16 Vartan answer our questions that somehow somehow that, you
17 know, members or employees through Leo pledged SIU up in San
18 Francisco, which made us all -- I assume that Leo -- Los
19 Angeles Leo -- San Francisco was one group at that -- that
20 point.

21 JUDGE SANDRON: Okay. Just one thing. Was that what you
22 assumed, or was that told to you?

23 THE WITNESS: What I assumed, because we had no prior
24 pledge cards given to myself. I never had the choice to vote
25 in any, you know -- have a -- have a fair vote for any other

1 union.

2 MR. HILGENFELD: I would move to strike his assumption,
3 Your Honor.

4 JUDGE SANDRON: All right. Was -- it's -- it's in -- it's
5 on the record. I will not consider it evidence.

6 MR. HILGENFELD: Thank you.

7 Q BY MS. YASSERI: Mr. Bristol, after Mr. Vartan came in the
8 room and shared that information with you, do you recall him
9 saying anything else?

10 A Yes. When he brought the paperwork in, we needed to fill
11 this out and get it in by the end of the day. But after
12 speaking with him and asking him our questions, he also said
13 that we had 30 days now to return this paperwork.

14 Q When you refer to paperwork, what are you specifically
15 referring to?

16 A Yeah. Sorry. To these -- to this application and to the
17 dues deduction for the SIU.

18 Q Okay.

19 JUDGE SANDRON: So -- so just to make it clear here. He
20 originally said that you had to turn it in at the end of the
21 day, and then after your discussions with him about SIU, he
22 said you could have 30 days?

23 THE WITNESS: Yes. That's correct. But we would have a
24 period of 30 days to return this form. And also, I forgot to
25 mention that with another question we asked was that if the

1 contract is finalized -- or finalizing, is there any way we can
2 get a portion of the contract to at least review what we're,
3 you know, going to be agreeing upon. And his -- Mr. Vartan's
4 answer was he'll see what he can do.

5 Q BY MS. YASSERI: Okay. Mr. Bristol, what was your
6 understanding of what, if anything, you had to do with the dues
7 deduction form once you received it, based on what Mr. Vartan
8 had said?

9 JUDGE SANDRON: Well, I -- I think that he has said what
10 he was instructed so --

11 MS. YASSERI: Okay.

12 JUDGE SANDRON: -- I assume that would -- his
13 understanding would comport with what he was told.

14 MS. YASSERI: Okay.

15 Q BY MS. YASSERI: Do you recall Mr. Vartan saying anything
16 else at this meeting?

17 A No, I do not.

18 Q Now, Mr. Bristol, were you familiar with the SIU prior to
19 this employee orientation?

20 A Yes.

21 Q Okay. How were you familiar with them?

22 A Just from working in the harbor for over ten years and
23 working with the MMP and alongside the IBU, just kind of worked
24 alongside all these unions, including the SIU. Just my prior
25 knowledge and word of mouth from fellow members is that, you

1 know, they just weren't the -- the best union. They weren't --
2 they weren't very employee friendly. They were more employer
3 friendly. So just kind of had a lot of the same --

4 JUDGE SANDRON: Okay.

5 A -- (audio interference) a lot of people.

6 JUDGE SANDRON: Okay. Mr. Hilgenfeld, you have your hand
7 up for an objection, I assume.

8 MR. HILGENFELD: Yes, Your Honor. I would move to strike
9 Mr. Bristol's opinion of the SIU. It is not relevant to this
10 proceeding, and there's also not sufficient foundation that he
11 is (indiscernible, simultaneous speech).

12 JUDGE SANDRON: All right. All right. Well, I think to
13 the extent it goes to his feelings as an employee who's being
14 asked to join a union -- and to that extent, I'll -- I'll
15 accept it. You know, whether I -- I -- you know, I won't draw
16 any conclusions as far as whether SIU is not a good union. But
17 to the extent that the witness would be eligible to vote in an
18 election for a union, I'll -- I'll -- I'll accept that.

19 MS. YASSERI: Thank you, Your Honor.

20 Q BY MS. YASSERI: Do you recall anything else from the
21 first day of orientation, Mr. Bristol?

22 A No, I do not.

23 Q Now, what happened on the second day of the orientation
24 on -- on the 24th of February 2021? How did that second day
25 start?

1 A That second day started on or around that same time,
2 around 0900. Just resumed more policy videos, and I had to
3 finish all those in order for the orientation day to be done.
4 Within that day, we received -- actually, a crew member of mine
5 received an email of a portion of the contract from Mr. Vartan,
6 who also forwarded it to me and shared it with me. So we
7 reviewed that. Didn't really have too much questions
8 besides -- I would -- did we still have 30 days, you know,
9 return this form.

10 Q Okay. When --

11 JUDGE SANDRON: Did you -- did you review it in a group as
12 employees, or -- or was he with you?

13 THE WITNESS: As employees. Mr. Vartan wasn't with us
14 when we reviewed it.

15 Q BY MS. YASSERI: Mr. Bristol, I'd like to show you a
16 document that's been marked for identification as General
17 Counsel's Exhibit 16. It's an email that was forwarded to you
18 entitled SIU contract. Is -- is this the email that you had
19 just testified about?

20 A Yeah.

21 JUDGE SANDRON: Could you make that a little larger?

22 MS. YASSERI: Yes, Your Honor.

23 THE WITNESS: Yes.

24 JUDGE SANDRON: This was --

25 Q BY MS. YASSERI: It appears to be -- have been forwarded

1 to you on February 25th, 2021, with the subject line "forward
2 SIU contract".

3 A Yes. That's correct.

4 Q It include --

5 JUDGE SANDRON: Oh, go ahead.

6 MS. YASSERI: I'm so --

7 Q BY MS. YASSERI: It includes an attachment which appears
8 to be the Leo Marine and the SIU contract, consisting of 29
9 pages. I'm going to scroll slowly just so you can confirm that
10 this was the attachment to that email.

11 A Yes. That is correct.

12 Q Okay. And directing your attention to the signature page,
13 the last page of that contract. That doesn't appear to be
14 signed by anybody from Leo Marine; is that right?

15 A Yes. That is correct. No -- there was signatures made
16 yet.

17 Q And at the time of this February 25th, 2021, email, Mr.
18 Bristol, what was your understanding of whether the CBA had
19 been finalized or not? What was your understanding?

20 JUDGE SANDRON: I -- well, I think he was -- he was told
21 at the orientation about the status that -- after the two days
22 of orientation, did you have any further communications with
23 management about the status of the contract, or was your
24 understanding when you were seeing this based on what had been
25 told to you at orientation?

1 THE WITNESS: Yes. That's correct. What I was told
2 that -- I was believing it was finalized but then, a little
3 confusion with not seeing the signature of any manager, but
4 still feeling that it was finalized.

5 JUDGE SANDRON: All right. I -- I think it's better if
6 you just try to limit your answer to the -- the question and
7 not go on beyond that, because --

8 THE WITNESS: Okay.

9 JUDGE SANDRON: We need cer -- the -- the General Counsel
10 wants certain things from you, but certain things you don't
11 need to repeat.

12 MS. YASSERI: Okay. Thank you, Your Honor. At this time,
13 I'd like to move for the admission of General Counsel's Exhibit
14 16.

15 JUDGE SANDRON: Any voir dire or objections?

16 MR. HILGENFELD: No. No voir dire. No objections, Your
17 Honor.

18 JUDGE SANDRON: General Counsel Exhibit 16 is received.

19 **(General Counsel Exhibit Number 16 Received into Evidence)**

20 MS. YASSERI: Thank you.

21 Q BY MS. YASSERI: Now, Mr. Bristol, going back to the SIU
22 membership application and the dues deduction authorization
23 forms, did you end up signing both of those documents?

24 A Yes, I did.

25 Q And do you recall when?

- 1 A On or approximately around February 26th, 2021.
- 2 Q And what did you do with those documents once you signed
3 them?
- 4 A I gave it to Centerline manager, Magly, last name unknown.
- 5 JUDGE SANDRON: What -- what was the first name?
- 6 THE WITNESS: Magly.
- 7 MS. YASSERI: I believe the spelling is M-A-G-L-Y.
- 8 JUDGE SANDRON: And that's the first name?
- 9 MS. YASSERI: Yes.
- 10 Q BY MS. YASSERI: Mr. Bristol, why -- why did you end up
11 signing the SIU dues deduction authorization form?
- 12 A To my understanding, I would not move forward at
13 completing to be an employee of Leo Marine Services.
- 14 Q And what gave you that understanding?
- 15 A That if this signature wasn't returned, then we would not
16 move forward with our employment.
- 17 Q And -- and who gave you that understanding?
- 18 A Mr. Vartan.
- 19 Q Now, after signing the SIU membership application and the
20 dues deduction authorization form, do you recall speaking to
21 any representatives of the SIU?
- 22 A No.
- 23 Q Do you recall attending any meetings at Leo Marine that
24 were conducted by representatives of the SIU?
- 25 A Yes.

1 Q Okay. And when was that?

2 A Not until around -- on or around April 5th, 2021.

3 Q And where did that meeting take place; do you recall, Mr.
4 Bristol?

5 JUDGE SANDRON: He may be frozen.

6 MS. YASSERI: Oh, I believe --

7 THE WITNESS: It took place at --

8 JUDGE SANDRON: Oh, there it is.

9 THE WITNESS: I'm sorry. Did I skip out?

10 MS. YASSERI: You got -- it -- it froze. The screen
11 froze.

12 THE WITNESS: Am I back?

13 MS. YASSERI: Yes.

14 THE WITNESS: Okay.

15 Q BY MS. YASSERI: Let me repeat that question.

16 A Yes. At LA berth 301. In the --

17 Q I'm sorry. You keep getting cut out, Mr. Bristol. Can
18 you -- can you please repeat where the meeting took place?

19 A Yes. Can you hear me clearer now?

20 Q Yes.

21 A All right. It took place at berth LA 301, in the parking
22 lot.

23 Q And do you recall the time of this meeting?

24 A Yes. It was on -- it was around -- right prior to 1900,
25 before I was coming out of my shift.

1 Q Okay. And how did this meeting start?

2 A It started with two gentlemen introducing themselves. One
3 was the vice president, Mr. Marrone, and a represent -- a SoCal
4 representative of the SIU named Garrett. I cannot recall his
5 last name.

6 Q Okay.

7 JUDGE SANDRON: Ms. Yasser, can you spell those as best
8 as you know?

9 MS. YASSERI: Yes. Nicholas Marrone. Nicholas,
10 N-I-C-H-O-L-A-S. Marrone, M-A-R-R-O-N-E. And Garrett. First
11 name G-A-R-R-E-T-T. Last name unknown.

12 Q BY MS. YASSERI: Mr. Bristol, what do you recall Mr.
13 Marrone saying at this meeting?

14 A He was glad to have us become new members and immediately,
15 he just wanted to dive right into the -- the contracts. So he
16 handed out the finalized contracts, which ended up being
17 incorrect contracts. He gave us their tentative agreement
18 contract, so that kind of raised questions with us where --

19 JUDGE SANDRON: All right. Okay. Well, don't -- you
20 know, make sure you stick at that -- this point just with that
21 meeting and what transpires, so we don't get mixed up as to
22 what happened maybe later. So he handed out what he said was
23 their -- the contract?

24 THE WITNESS: Yes. It was a finalized contract, but on
25 the first page, it said tentative agreement contract.

1 JUDGE SANDRON: I see.

2 Q BY MS. YASSERI: Okay. Do you recall Mr. Marrone saying
3 anything else?

4 A Yes. He went -- page -- through pa -- every page of the
5 contract to go over the contract with us and to basically
6 review it and to see if we'd have any questions. As reviewing
7 through the contract, we of course had questions. And Mr.
8 Marrone was not the most pleasant. He was very upset that we
9 kept stopping him. He wanted to go from point A to Z and
10 finish the contract before we had questions.

11 So with that aspect, the meeting was not very long. We
12 had a lot of questions that he could not answer. Mainly, why
13 weren't we given a fair vote to vote this contract in. And his
14 answer was that they already finalized membership up in Sea --
15 up in San Francisco; that everything was done prior to us; that
16 they already had employees up there; and that -- then, he
17 started to backtrack when I said I was one of the first
18 employees of Leo Marine down here around the same time that San
19 Francisco operations started.

20 So then he backtracked to saying, well, you weren't a SIU
21 member for 30 days prior, so you wouldn't have been able to
22 have a fair vote -- you wouldn't have been able to have a -- a
23 vote in the contract -- on the contract, because you're not a
24 member.

25 Q Okay. Do you recall anything else from that meeting?

1 A Yes. Just asking questions about pay, about wages, about
2 benefits. Just the normal stuff reviewing the contract. And
3 then, like I said, it was cut short, maybe about a ten-minute
4 meeting.

5 JUDGE SANDRON: Do you recall how the meeting ended?

6 THE WITNESS: Yes. It ended with Mr. Garrett, last name I
7 don't -- unknown to me, handing out business cards and saying,
8 if you guys have any more questions, please give us a call, and
9 we understand you guys are going on to shift right now. So
10 everybody kind of had to go their separate ways to relieve
11 fellow crew members.

12 Q BY MS. YASSERI: You -- you mentioned that Mr. Marrone had
13 stated that -- that the guys in San Francisco had taken care of
14 it. Were you -- were you aware at that time that Leo Marine
15 had a facility in -- in the San Francisco Bay area?

16 A Yes, I was.

17 Q Now, during your time at Leo Marine, have you ever been
18 assigned to work out of that facility up in the San Francisco
19 Bay, out of Leo Marine's facility in San Francisco Bay?

20 A No, I have not.

21 Q Have you ever worked alongside employees who -- whose home
22 port is in San Francisco but who have been assigned to work in
23 Los Angeles? Have you ever worked with any employees in Los
24 Angeles that you know are from the San Francisco Bay area?

25 A No, I have not.

1 Q Do you know someone by the name of Bowman Harvey?

2 A No, I do not.

3 JUDGE SANDRON: Could you -- could you spell that name if
4 it's not on the record?

5 MS. YASSERI: Yes. Thank you, Your Honor. Bowman,
6 B-O-W-M-A-N. Harvey, H-A-R-V-E-Y.

7 Q BY MS. YASSERI: Mr. Bristol, I want to go back, just
8 briefly, to the employee orientation that you attended on the
9 23rd and 24th of February 2021. Do you recall -- you mentioned
10 having to view some training videos; is -- is that right?

11 A Yes. That's correct.

12 Q Do you recall how you viewed those training videos; was it
13 on a specific platform?

14 A Yes. It was -- we were on laptops. It was through a -- a
15 Cornerstone, I guess, application or website.

16 Q Okay. Do you know if that's a -- the Cornerstone
17 platform, is that something that Leo Marine currently uses as
18 well for training?

19 A Yes. That's correct.

20 Q Do you know if this platform, this Cornerstone platform,
21 is used by other Centerline affiliated companies?

22 A To my knowledge, I don't know, but it was --

23 JUDGE SANDRON: Well, that's fine. That's fine. No. You
24 should -- you should -- you just need to answer as best as you
25 know, and if you don't know, that's fine.

1 THE WITNESS: Okay.

2 Q BY MS. YASSERI: Now, at the time of your orientation on
3 the 23rd and 24th of February, do you know if Leo Marine had
4 started operating out of the Los Angeles and Long Beach
5 harbors?

6 A No, they did not.

7 Q And how did you know that?

8 A They -- I was still working for Foss Maritime, and the
9 bunker barges were still affiliated with Foss Maritime.

10 Q Do you know if there were any employee orientations
11 conducted prior to the one that you attended on the 23rd and
12 24th of February at Leo Marine?

13 A To my knowledge, no.

14 Q And at the time of your orientation, Mr. Bristol, did you
15 know when you would be starting to work at Leo Marine; were you
16 aware of your start date?

17 A Yes, I was.

18 Q Okay. And what was -- what was that date?

19 A It would be March 1st, 2021.

20 Q Okay. Now, let's talk a little bit about sort of the
21 early days of your time at Leo Marine, when you started working
22 for the company. How many employees were working there on
23 about March 1st, 2021, when you started working for the
24 company?

25 A I would say approximately eight bunker barge employees and

1 approximately four to five tug boat employees.

2 Q Of those approximately 12-13 employees, do you know if
3 those employees started working for Leo Marine at the same time
4 as you on March 1st, 2021?

5 A Yes. That's correct.

6 Q How do you know that?

7 A Just by speaking with them and asking, you know, when was
8 your first day? So word of mouth.

9 JUDGE SANDRON: Did you actually -- did you see them there
10 on or about March 1st?

11 THE WITNESS: Yes. That's correct. That was my first
12 (audio interference) also.

13 Q BY MS. YASSERI: Do you remember the names of some of
14 these employees?

15 A The ones I mentioned in my orientation and then a couple
16 more barge employees were Brian Key (phonetic throughout), Paul
17 Jones, Jason Musgrave. And then at that time, I can't recall
18 exactly the names of the tug boat employees.

19 JUDGE SANDRON: Maybe you can spell the last names --
20 maybe you can spell the names, because I think I was going to
21 say some of the names may be spelled the way they sound, but of
22 course, Jason can be J-A-Y-S-O-N, or it could be J-A-S-O-N. So
23 I'd like you to -- to spell the names.

24 MS. YASSERI: Yes. I -- what I have, Your Honor, is
25 J-A-S-O-N. Musgrave, M-U-S-G-R-A-V-E. And then Paul Jones,

1 P-A-U-L. Jones, J-O-N-E-S.

2 JUDGE SANDRON: Thank you. Go ahead.

3 Q BY MS. YASSERI: Now, Mr. -- Mr. Bristol, on -- during the
4 initial weeks of your employment at Leo Marine in early March
5 of 2021, what type of work were you doing during that time?

6 A I would say the same work that I was doing for Foss
7 Maritime. We -- just basically turnkey. We were moving
8 Chevron customer oil. I was working on the dash barges, so I
9 was doing basically the same work that I was doing prior -- a
10 few days prior to that.

11 Q When you say the dash barges, are those the FDH 3, 4, and
12 5 that you testified about yesterday?

13 A Yes. That's correct.

14 Q Okay. You mentioned that those were the Chevron barges.
15 Do you know if Chevron requires the use of a special type of
16 barge?

17 A Yes. We have a -- a -- a special vapor system on our
18 barge -- on our barges, all three of them.

19 Q And when you say all three, which ones are those?

20 A The FDH 35-3, -4, -5.

21 JUDGE SANDRON: Okay. I think we have an objection for
22 Mr. Hilgenfeld.

23 MR. HILGENFELD: Your Honor, we had a continuing objection
24 with Mr. Amalfitano testifying to his knowledge as to Chevron
25 requirements. I would just institute the same continuing

1 objection.

2 JUDGE SANDRON: All right. I note it.

3 Q BY MS. YASSERI: Mr. Bristol --

4 MS. YASSERI: I'm sorry, Your Honor.

5 JUDGE SANDRON: No, that's fine. Go ahead.

6 MS. YASSERI: Okay. Okay.

7 Q BY MS. YASSERI: Mr. Bristol, you -- you mentioned the
8 Chevron barges. At -- at that time, in early March 2021, do
9 you recall if Leo Marine was operating any other barges out of
10 its Los Angeles facility?

11 A Yes, I do.

12 Q Okay. What are the names of those barges?

13 A The -- the barge names are the Anne Elizabeth, the Bernie
14 Briere, the David Fanning, and at that time, the HMS, which
15 wasn't really in use. It was just kind of there at the dock.

16 Q Okay.

17 JUDGE SANDRON: I think we have some of those spellings.
18 So do we have --

19 MS. YASSERI: Yes.

20 JUDGE SANDRON: -- any that aren't spelled?

21 MS. YASSERI: I believe Mr. Hilgenfeld spelled these on
22 the record yesterday.

23 JUDGE SANDRON: All -- all -- all of them?

24 MS. YASSERI: Yes.

25 JUDGE SANDRON: All right.

1 MS. YASSERI: Yes. Okay.

2 Q BY MS. YASSERI: Now, I'm focusing, Mr. Bristol, on the
3 Anne Elizabeth, the David Fanning, and the Bernie Briere. Do
4 you know what customers are serviced by those three barges;
5 what Leo Marine customers?

6 A Yes. Glencore.

7 Q Okay. Now, do you know if those barges were operated by a
8 different company prior to being operated by Leo Marine?

9 A Yes.

10 MR. HILGENFELD: Objection. Foundation.

11 JUDGE SANDRON: It -- well, I'll allow him to answer, and
12 then we can see what the basis of his knowledge is.

13 THE WITNESS: I'm sorry. Can you repeat the question?

14 Q BY MS. YASSERI: Do you know if those three barges, the
15 Anne Elizabeth, the David Fanning, and the Bernie Briere, were
16 operated by another company prior to Leo Marine?

17 A Yes, I do.

18 Q Okay. And -- and which company was that?

19 A Westoil.

20 MR. HILGENFELD: Objection.

21 JUDGE SANDRON: I think maybe we should just ask --

22 MS. YASSERI: How do I --

23 JUDGE SANDRON: Right. How he --

24 Q BY MS. YASSERI: How -- how do you know? I'm sorry.

25 Thank you. How do you know?

1 A From working in the harbor as -- as long as I have --
2 and -- and working alongside that -- that company, Westoil
3 Marine Services.

4 Q Okay. You mentioned Westoil Marine Services; is that the
5 company that was operating those barges prior to Leo Marine?

6 A Yes. That's correct.

7 Q And you -- did you physically observe Westoil Marine
8 operating those barges?

9 A Yes. That's correct.

10 JUDGE SANDRON: And -- and just -- just for the record,
11 how did you know that it was Westoil. That, you know, you're
12 saying observed it. How -- what did you observe that showed it
13 was Westoil?

14 THE WITNESS: Because when I was working on my FDH 35-3,
15 we would be at the same loading terminal at the same time.

16 Q BY MS. YASSERI: And do you know, Mr. Bristol, when Leo
17 Marine received those three barges from Westoil Marine; the
18 Anne Elizabeth, the Bernie Briere, and the David Fanning?

19 A To my knowledge, I don't have an exact date. I don't know
20 when.

21 Q Now, let's talk a little bit about sort of the working
22 conditions at Leo Marine during those initial few weeks in
23 ear -- in early March of 2021. Can you describe for us what
24 the working conditions were like?

25 A A little hectic. It was all hands-on deck. It was, you

1 know, we were very sort -- short-staffed. You know, we were
2 trying to -- they were trying to keep -- well, all of us were
3 trying to keep the customer happy with not having any delays to
4 any jobs. Yeah. It was just very short-staffed to where we
5 were, you know, kind of jumping barge to barge compared to
6 just, you know, working one certain barge for a whole shift.

7 Q You mentioned that it -- it -- you were short-staffed. Do
8 you recall if any supervisors or managers had to assist on and
9 actually perform bunkering work at the time?

10 A Yes. That's correct. Mr. Brian Vartan still had his
11 documents. He was a, you know -- a tankerman on multiple
12 barges for multiple amount of days. They also needed more
13 help, and Dan, which I do not -- as I recalled from yesterday,
14 I do not remember his last name -- he was from Olympic Tug &
15 Barge, came in and filled in as a deckhand to have an extra
16 body on the barge. And then, same thing with Byron, I forget
17 his last name, I want to say Peterson, also be an extra man on
18 the barge during that time.

19 Q And then, I guess, how did Mr. Peterson introduce himself?

20 A As a Olympic Tug & Barge manager.

21 Q Was that the first time that you had met him when he was
22 assisting on the barge?

23 A Yes. That's correct.

24 Q Okay. Do you recall working with any -- anyone else on --
25 during those initial weeks at Leo Marine?

1 A Yes. They -- over the (audio interference) to my
2 knowledge, sent down, because Olympic Tug & Barge is in
3 Seattle -- based in Seattle -- based on multiple (audio
4 interference).

5 MS. YASSERI: I'm sorry Mr. Bristol --

6 JUDGE SANDRON: We're -- we're getting cut off. I
7 think --

8 MS. YASSERI: Yes.

9 THE WITNESS: Can you hear --

10 MS. YASSERI: May I ask the question again, Your Honor?

11 JUDGE SANDRON: Yes.

12 MS. YASSERI: Mr. Bristol was breaking up.

13 JUDGE SANDRON: Yes. Go ahead.

14 MS. YASSERI: Okay.

15 Q BY MS. YASSERI: My -- my question was, Mr. Bristol, do
16 you recall working with anybody else during those initial weeks
17 in March of 2021?

18 A Yes, with Olympic Tug & Barge employees.

19 Q And how do you know they were Olympic Tug & Barge
20 employees?

21 A Because I worked alongside them, and they said they were
22 Olympic Tug & Barge employees.

23 Q And what were their names?

24 A Last names, I do not recall of any, but first names Chris
25 (phonetic throughout), Phillip (phonetic throughout), and I'm

1 having a blank with the third guy.

2 JUDGE SANDRON: But there were -- there were three of you
3 all together?

4 THE WITNESS: Yes. That's correct.

5 MS. YASSERI: Okay.

6 Q BY MS. YASSERI: I'd like to show you a document, Mr.
7 Bristol. I'd like to show you a document that's already been
8 admitted into evidence as General Counsel's Exhibit 11. Hang
9 on. Do you -- do you recognize this document, Mr. Bristol,
10 that appears on your screen?

11 A Yes, I do.

12 Q Okay. And can you tell us what it is?

13 A Yeah. It's a crew list for Leo Marine services.

14 Q The date that's -- the date that's reflected on the crew
15 list on the upper right-hand corner, March 12th, 2021, you had
16 already started working for Leo Marine at that time; is that
17 right?

18 A Yes. That's correct.

19 JUDGE SANDRON: Are -- are those -- are those crew lists
20 posted daily or weekly?

21 THE WITNESS: In the beginning around March 1st -- March,
22 April, yes. That was about a weekly crew list, because we were
23 getting new members. But now that we've, you know, been
24 supplied our schedules for that month, that kind of comes out
25 with the scheduling.

1 JUDGE SANDRON: Oh, so now -- now it's monthly.

2 THE WITNESS: Yes. That's correct. And it, you know --
3 it doesn't really change as much, because we're not really -- I
4 don't see them hiring as much.

5 JUDGE SANDRON: So just to clarify, was it weekly in the
6 beginning, or -- or did it come out on different dates?

7 THE WITNESS: I would say weekly, because (audio
8 interference) hire -- they were hiring weekly about, but
9 different dates also.

10 JUDGE SANDRON: That the crew list came out?

11 THE WITNESS: Yes. That's correct.

12 JUDGE SANDRON: Okay.

13 Q BY MS. YASSERI: And just to clarify, Mr. Bristol, the --
14 the crew list, this is -- this one that was published in March
15 of 2021; was this something the employees had access to?

16 A Yes, it was.

17 Q And how -- how would you get access to this crew list?

18 A We -- the equipment we work on are the barges, and we
19 would be -- we have company computers and company emails
20 through that computer. And we'd get it through the company
21 email.

22 JUDGE SANDRON: Oh. So it was distributed electronically?

23 THE WITNESS: Yes. That's correct.

24 Q BY MS. YASSERI: Now, I want to direct your attention to
25 the -- the -- the third column on the crew list entitled

1 management. We -- we've already talked about Mr. Doug
2 Houghton, but there's a second name on that list, Anthony
3 Lobro; do you know who he is?

4 A Yes, I do.

5 Q And who is he?

6 A He is in charge of -- of -- basically, he is in charge of
7 talking to the customers, Glencore and Chevron, and determines
8 what product goes on what barges.

9 Q Do you know what company he works for?

10 A Yes. I would say Centerline, to my knowledge.

11 Q Okay. And how do you know that?

12 A Just over this past year of working. Just -- it seems to
13 be, he kind of gives a hand to both Westoil and Leo Marine.

14 Q And then the other name on the list, Kelly Moore; do you
15 know who that is?

16 A Yes, I do, from prior working in the harbor, but I have
17 not met him since I've been a Leo Marine employee.

18 Q Do you know what company he's employed by?

19 A No, I do not. Technically, I do not really know.

20 JUDGE SANDRON: What -- do they have Lobro in the record
21 with the spelling? I'm not sure.

22 MS. YASSERI: Oh, thank you, Your Honor. Anthony,
23 A-N-T-H-O-N-Y. Lobro, L-O-B-R-O.

24 JUDGE SANDRON: And Moore, I assume it's -- Mr. Moore in
25 spelling the name already.

1 MS. YASSERI: No. Moore, M-O-O-R-E.

2 Q BY MS. YASSERI: Mr. Bristol, what about the fourth name
3 on that list, Marshall Novack; do you know who that is?

4 A Yes, I do.

5 Q Okay. And who -- who's -- who's Marshall Novack?

6 A He was a tankerman, but to my knowledge, he was the bunker
7 barge manager for Westoil Marine Services.

8 JUDGE SANDRON: Do we have that spelling? It -- it's
9 sometimes hard to recall.

10 MS. YASSERI: I don't recall, Your Honor. I'll be happy
11 to spell it again for the record. Marshall, M-A-R-S-H-A-L-L.
12 Novack, N-O-V-A-C-K.

13 JUDGE SANDRON: Thank you.

14 MS. YASSERI: Thank you.

15 Q BY MS. YASSERI: And then, sort of directing your
16 attention down to the -- the category under maintenance. It
17 references the name of Mike Castagnola. Do you know who he is?

18 A Yes, I do.

19 Q Okay. And who is -- who is Mr. Castagnola?

20 A He is the port engineer.

21 Q For which -- do you know for which company or companies?

22 A To my knowledge, Centerline.

23 JUDGE SANDRON: Can you spell the last name for the
24 record?

25 MS. YASSERI: Yes. Castagnola, C-A-S-T-A-G-N-O-L-A.

1 Okay.

2 Q BY MS. YASSERI: All right. Now, Mr. Bristol, do you know
3 how many employees are -- are currently employed by Leo Marine?

4 A I would say approximately 45 to 50.

5 Q Okay. And in your experience, how many people are
6 generally needed to operate a barge to actually bunker fuel?

7 A Two. Two crew members.

8 Q And what would be the classifications of those two crew
9 members?

10 A One would definitely have to be a tankerman PIC, and the
11 second can be a tankerman assistant, or Leo Marine states it's
12 a deckhand.

13 MS. YASSERI: Your Honor, may I have just a -- two minutes
14 to review my notes? I think I'm -- I'm done --

15 JUDGE SANDRON: All right.

16 MS. YASSERI: -- with Mr. Bristol's --

17 JUDGE SANDRON: Yes.

18 MS. YASSERI: -- direct examination.

19 JUDGE SANDRON: Do you want to go off the record for five
20 minutes?

21 MS. YASSERI: If I -- if I may. I see Mr. Higgenfeld
22 (sic) has an issue.

23 JUDGE SANDRON: Okay.

24 MR. HILGENFELD: I don't -- I don't have an issue. I was
25 just going to give you more time, Sanam. I --

1 MS. YASSERI: Oh.

2 MR. HILGENFELD: This is a good time for a morning break
3 for a bathroom --

4 JUDGE SANDRON: All right. Should we take -- all right.
5 We can take, like, about ten minutes. All right.

6 MS. YASSERI: Okay.

7 JUDGE SANDRON: It's 1:05. Let's come back -- this is
8 Eastern Time, 1:05. Let's come back at 1:15 then. Off the
9 record.

10 (Off the record at 10:04 a.m.)

11 JUDGE SANDRON: Ms. Yasseri, any further questions?

12 MS. YASSERI: Yes, Your Honor. Just one follow-up
13 question, if I may.

14 **RESUMED DIRECT EXAMINATION**

15 Q BY MS. YASSERI: Mr. Bristol, I'm going to show you a
16 document that's already been admitted into evidence as General
17 Counsel's Exhibit Number 14, I believe. One second here. I'm
18 going to direct your attention to the second page of that
19 exhibit. It was an email that was sent to you by Sally Halfron
20 regarding the Leo Marine offer letter in which three
21 individuals were cc'd.

22 You testified earlier today that a gentleman with the last
23 name of Peterson was one of the Olympic Tug & Barge managers
24 that had come down to Leo Marine to help out during the early
25 weeks of its operations. I just wanted to confirm, is this the

1 name of the -- of the individual that you were testifying
2 about?

3 A Yes. To my knowledge, yes.

4 MS. YASSERI: No further questions, Your Honor.

5 JUDGE SANDRON: Do either of the Counsels for the Charging
6 Parties have any questions to the witness?

7 MR. WOJCIECHOWSKI: I do have a little bit of -- one
8 little area, if I could.

9 JUDGE SANDRON: Go ahead.

10 MR. WOJCIECHOWSKI: Thank you.

11 **DIRECT EXAMINATION**

12 Q BY MR. WOJCIECHOWSKI: Mr. -- Mister, I'm Jason
13 Wojciechowski, counsel for MMP in this case. The -- the SIU
14 parking lot meeting that you testified about. What -- so
15 you -- what other Leo Marine employees were there at that
16 meeting?

17 A Fellow bunker barge employees and tugboat employees.

18 Q Do you remember about how many?

19 A Approximately, ten of us.

20 Q Do you -- were any employees from any other companies
21 there?

22 A No.

23 Q And do you recall that both the MMP and the IBU filed to
24 have elections in the -- the Los Angeles crew?

25 A Yes.



1 Q Were you already aware of MMP's election petition at the
2 time of that meeting with Mr. Marrone and Garrett?

3 A Yes.

4 MR. WOJCIECHOWSKI: That's all I had. Thank you, Your
5 Honor.

6 JUDGE SANDRON: Okay. Mr. Iglitzin, any questions?

7 MR. IGLITZIN: I do not have any questions. Thank you,
8 Your Honor.

9 JUDGE SANDRON: All right. I think, then, you're ready
10 for cross-examination, Mr. Hilgenfeld. I -- I take it you have
11 an ongoing request for Jencks statements?

12 MR. HILGENFELD: Please, Your Honor.

13 JUDGE SANDRON: Okay. Ms. Yasseri, do you want to state
14 on the record the date and length of the affidavit and if there
15 are more than one for each one? I think you're on mute.

16 MS. YASSERI: Thank you, Your Honor. At this time, the
17 General Counsel proffers the afri -- affidavit of Mr. Cesare
18 Bristol, which consists of 11 pages. It was executed on April
19 8th, 2021, and it's the only affidavit provided by Mr. Bristol.

20 JUDGE SANDRON: All right.

21 MS. YASSERI: And I will be emailing it to Mr. Hilgenfeld
22 at -- right now.

23 JUDGE SANDRON: Okay. Mr. Hilgenfeld, do you think about
24 20 minutes would be sufficient?

25 MR. HILGENFELD: I'm sorry, Sanam. How many pages did you

1 say it was?

2 MS. YASSERI: 11.

3 MR. HILGENFELD: 11. 20 minutes is fine, Your Honor.

4 JUDGE SANDRON: All right. So I -- I will say it's 1:19.

5 Let's come back at 1:40 p.m. Eastern, which is 11:40 Pacific.

6 So I'll see everybody then. Off the record.

7 (Off the record at 10:19 a.m.)

8 JUDGE SANDRON: Cross-examination, please.

9 MR. HILGENFELD: Thank you, Your Honor.

10 **CROSS-EXAMINATION**

11 Q BY MR. HILGENFELD: Good morning, Mr. Bristol.

12 A Good morning.

13 Q When -- did I understand your testimony correctly that
14 when you were employed at Foss Maritime, you could visibly tell
15 that the Anne Elizabeth, the Bernie Briere, the David Fanning,
16 the HMS 2601 were being operated by Westoil Marine?

17 A Yes, that's correct.

18 Q And could you also, at that point, visibly tell that the
19 Webb Moffett was being operated by Olympic Tug & Barge?

20 A No, I don't recall.

21 Q Are you familiar with the Webb Moffett barge?

22 A Yes.

23 Q Are you familiar that it is operated by Olympic Tug &
24 Barge?

25 A Yes, I am now.

1 Q And when you testified -- and we've used the term
2 equipment a little loosely in the hearing. Is it safe to say,
3 when you say equipment, you mean tugs and barges?

4 A Yes, that's correct.

5 Q Is there any other equipment that you're referring to?

6 A No, I'm not.

7 Q So we all understand if we say equipment, we're either
8 talking about a tug or we're talking about a barge; is that
9 fair?

10 A That's fair, yes.

11 Q And is it accurate to state that all of the tugs are given
12 specific names?

13 A Yes, that's correct.

14 Q And all the barges are given specific names.

15 A Yes.

16 Q And Leo Marine -- is it true to say that Leo Marine, since
17 you've worked there, has operated the barge FDH 35-3?

18 A Yes.

19 Q And that Leo Marine has operated the barge 5835-4.

20 A Yes.

21 Q And since you've worked there, Leo Marine has operated
22 5835-5.

23 A Yes. 35-5, yes.

24 Q And do you understand that barges FDH 35-1 and -2 are in
25 San Francisco?

1 A Yes, that's correct.

2 Q And I believe you testified that since you've worked at
3 Leo Marine that Leo Marine has operated the barge Anne
4 Elizabeth.

5 A Yes.

6 Q And since you've worked there, Leo Marine's operated the
7 barge the Bernie Briere.

8 A Yes.

9 Q And since you've worked there, Leo Marine's operated the
10 David Fanning barge.

11 A Yes.

12 Q And would you agree that Westoil operates the HMS 2608?

13 A Yes, they operate it now.

14 Q And Westoil operates the Lovel Briere?

15 A Yes.

16 Q And there's two. There's the Lovel Briere and then
17 there's the Bernie Briere, so it can get a little confusing.
18 But those are two separate barges, correct?

19 A Yes.

20 Q And would you agree that since you've worked there, OTB
21 has operated the barge 60 Five Roses?

22 A To my knowledge, yes.

23 Q And OTB has operated the barge the Dale Frank Jr.

24 A Again, to my knowledge, yes.

25 Q And the OTB has operated the barge, the FFA, or the Fight

1 Fanconi Anemia. Do you under -- do you know that barge, FFA,
2 that I'm refer -- referencing?

3 A I do.

4 JUDGE SANDRON: Can we get the spelling on that last ship,
5 or barge?

6 MR. HILGENFELD: I can -- I will try, Your Honor.

7 JUDGE SANDRON: All right.

8 MR. HILGENFELD: I believe it. Fight as in a regular
9 fight, F-I-G-H-T. Fanconi, F-A-N-C-O-N-I. Anemia, A-N-E-M-I-
10 A.

11 JUDGE SANDRON: Okay. Thank you.

12 Q BY MR. HILGENFELD: And I didn't hear your answer on that
13 question, Mr. Bristol.

14 A I do not recall.

15 Q Okay. Thank you. And does Leo Marine also operate
16 specific tugs?

17 A Yes.

18 Q Okay. Such as -- what are the tugs that Leo Marine
19 operates?

20 A The -- as of present day, the Darryl Hiatt and the Brooks
21 Hamilton.

22 Q And what about the tug Madeline Hamilton?

23 A To my knowledge, that is designated for Westoil Marine.

24 Q Okay.

25 JUDGE SANDRON: Can we get the -- can we get the spelling

1 of those tugs?

2 MR. HILGENFELD: Absolutely. Tug Madeline Hamilton. Tug,
3 T-U-G. Madeline, M-A-D-E-L-I-N-E. Hamilton, H-A-M-I-L-T-O-N.
4 Brooks Hamilton. Brooks, B-R-O-O-K-S. And then Hamilton's
5 spelled the same way. And then the Darryl Hiatt, I believe, is
6 D-A-R-R-Y-L. Hiatt, H-I-A-T-T.

7 Q BY MR. HILGENFELD: Do you believe that's right, Mr.
8 Bristol? Did I spell Hiatt correctly?

9 A To my knowledge, I would say yes.

10 Q Okay. So I -- and I -- so the Madeline Hamilton's
11 operated by West Oil, not Leo Marine; is that correct?

12 A That is correct.

13 Q And are you familiar with bareboat charters?

14 A No, I'm not.

15 Q Are you familiar with moorage?

16 JUDGE SANDRON: What was the term you used?

17 MR. HILGENFELD: Moorage, M-O-O-R-A-G-E.

18 Q BY MR. HILGENFELD: I'm sorry. I didn't hear your answer,
19 Mr. Bristol.

20 A No.

21 Q Okay. Are you aware that the different companies pay --
22 pay a fee to be moored to the berth at L.A. 301?

23 A No, I don't know anything about that.

24 Q Okay. While you've worked there, are you familiar with
25 the Catalina Express?

1 A Yes.

2 Q And that's a company that operates an express service to
3 Catalina Island from the -- kind of the greater San Pedro/L.A.
4 area; is that correct?

5 A Yes.

6 MS. YASSERI: Objection, Your Honor. Relevance?

7 MR. HILGENFELD: That was my next question, Your Honor.

8 JUDGE SANDRON: All right.

9 Q BY MR. HILGENFELD: Have you seen the Catalina Express
10 tied up at the L.A. 301 berth, the vessels for the Catalina
11 Express?

12 A No.

13 Q Okay. And Mr. Bristol, are you familiar -- before you
14 came to be hired at Leo Marine Services, were you familiar with
15 Westoil Marine Services?

16 A Yes.

17 Q And in fact, you used to be an -- an employee of Westoil
18 Marine Services, correct?

19 A Yes, that's correct.

20 Q And I'm going to turn your attention to what's been marked
21 as Exhibit 301. And this is on the shared drive, and it's
22 dated April 5th, 2013.

23 JUDGE SANDRON: Okay. So that's Respondent's Exhibit 1
24 for identification?

25 MR. HILGENFELD: Yeah. It's Respondent's 301.



1 Q BY MR. HILGENFELD: And Mr. Bristol, is this a letter that
2 you received regarding your termination at Westoil Marine
3 Services?

4 A Yes.

5 Q And it looks like you were terminated because you didn't
6 have sufficient hours under the labor agreement; is that
7 correct?

8 JUDGE SANDRON: I -- I think we're --

9 MS. YASSERI: Objection.

10 JUDGE SANDRON: Yeah. I --

11 MS. YASSERI: Objection. Beyond the scope of direct
12 examination.

13 JUDGE SANDRON: Well, I -- yeah, I agree.

14 MS. YASSERI: Relevance.

15 MR. HILGENFELD: But --

16 JUDGE SANDRON: I agree.

17 MR. HILGENFELD: -- Your Honor, one of the key issues here
18 is are the companies holding them out separately? Here's
19 letterhead from Westoil Marine Services with this individual
20 who's testified that he works for Leo Marine Services is
21 directly relevant to the single-employer issue about Westoil.

22 MS. YASSERI: Your Honor, this letter is dated April 5th,
23 2013, well before the period at issue in the General Counsel's
24 consolidated complaint.

25 JUDGE SANDRON: Yeah, so that --

1 MS. YASSERI: We'll -- we'll provide other information as
2 well, but it's important to note that since 2013, Westoil has
3 held itself out as a different company. That's certainly
4 relevant to the proceeding.

5 MS. YASSERI: Your --

6 JUDGE SANDRON: Well --

7 MS. YASSERI: Your Honor -- my apologies.

8 JUDGE SANDRON: Go ahead.

9 MS. YASSERI: Your Honor, this time period predates the
10 General Counsel's consolidated complaints by nearly nine years.
11 It is not --

12 JUDGE SANDRON: Okay.

13 MS. YASSERI: -- relevant.

14 JUDGE SANDRON: All right. I agree. And it's also,
15 maybe, unduly embarrassing for the witness unless there's a
16 claim that it undermines his credibility before me, so.

17 MR. HILGENFELD: Well, I think -- just for the record,
18 Your Honor, I think that is always issue for a witness who's
19 testifying on these matters.

20 JUDGE SANDRON: Right. But there is what is known as
21 impeachment or impugning credibility on peripheral matters.
22 That is not the same as impeaching a witness on matters that
23 are currently pending. So I think --

24 Does General Counsel object to the document?

25 MS. YASSERI: Yes. Yes, we do, Your Honor. This is --

1 JUDGE SANDRON: All right.

2 MS. YASSERI: -- entirely peripheral. It has nothing to
3 do with the allegations at issue --

4 JUDGE SANDRON: All right.

5 MS. YASSERI: -- at this hearing.

6 JUDGE SANDRON: All right. I sustain the objection. Do
7 you want to place in the rejected exhibits file, Mr.
8 Hilgenfeld?

9 MR. HILGENFELD: Please, Your Honor.

10 JUDGE SANDRON: All right. So it's being made a rejected
11 exhibit.

12 **(Respondent Exhibit Number 301 Rejected)**

13 JUDGE SANDRON: What screen is it? All right.

14 MR. HILGENFELD: Okay. Sorry.

15 JUDGE SANDRON: I'm just going to go off for one minute
16 and -- and look something up. Go ahead. I'm listening.

17 MR. HILGENFELD: Okay.

18 Q BY MR. HILGENFELD: Mr. Bristol, since you've worked at
19 Leo Marine Services, if we look at your paychecks, what is it
20 going to say?

21 A I don't get a paper mail, a hard copy. I get it just
22 direct deposited, so I would not say I don't recall.

23 MR. HILGENFELD: Just one moment, Your Honor.

24 JUDGE SANDRON: Certainly. I'm just looking up some
25 (audio interference) here. Well -- okay.

1 Q BY MR. HILGENFELD: Thank you, Mr. Bristol. I'm going to
2 turn your attention to what's been marked as Respondent's
3 Exhibit 303. Can you see this ADP payroll system?

4 Mr. Bristol, can you see Exhibit 303?

5 A Yes, I can.

6 Q And this is a payroll from Leo Marine Services to you; is
7 that correct?

8 A Let me see right here. Yes, that's correct.

9 Q And do you have any reason to believe that your other
10 earnings statements, if we were to look at them, would not say
11 Leo Marine Services?

12 MS. YASSERI: Objection. Calls for speculation.

13 JUDGE SANDRON: Well -- well, as far as -- as far as you
14 know, do all of the statements you've received, they look in
15 the same format or have they changed?

16 THE WITNESS: I do not recall.

17 MR. HILGENFELD: Thank you. At this point, we'd move to
18 offer Respondent's 303.

19 JUDGE SANDRON: Any objection?

20 MS. YASSERI: May I voir dire, Your Honor?

21 JUDGE SANDRON: Yes. Go ahead.

22 **VOIR DIRE EXAMINATION**

23 Q BY MS. YASSERI: Mr. -- Mr. Bristol, have you seen the
24 actual paper statements that's reflected on -- on the -- on
25 your screen?

1 A Yes. In the first couple of paychecks, they were hard
2 copy mailed out, and the rest have been just direct deposited
3 to my account.

4 JUDGE SANDRON: And you recall seeing that in that format?

5 THE WITNESS: Yes.

6 MS. YASSERI: Okay. Okay. No objection, Your Honor.

7 JUDGE SANDRON: Okay. The document is received.

8 **(Respondent Exhibit Number 303 Received into Evidence)**

9 Q BY MR. HILGENFELD: Mr. Bristol, were you paid for the
10 orienta -- the two-day orientation period that you went to?

11 A No, I was not.

12 JUDGE SANDRON: So you were still on the payroll -- just
13 to make sure I understand, you were still on -- you were still
14 not on Leo Marine's payroll.

15 THE WITNESS: I was still employed by Foss Maritime, and
16 we were told that, you know, once we get our first work --
17 first two weeks (audio interference) services that that
18 orientation would be paid on those paychecks.

19 MR. HILGENFELD: I'm sorry. You broke up on me. I
20 apologize.

21 THE WITNESS: I said I was still employed by Foss Maritime
22 during those orientations, that those orientations would be
23 paid to me the first two weeks of my -- first two weeks at Leo
24 Marine Services, on that paycheck, and it was not.

25 JUDGE SANDRON: All right.

1 Q BY MR. HILGENFELD: You were orig -- you were originally
2 told they were going to be paid and then you were not paid. Do
3 I understand that correct?

4 A Yes.

5 Q Did you complain?

6 A Yes, along with other employees.

7 Q When you were interviewed, Mr. Bristol, you were
8 interviewed by individuals from both Leo Marine Services and
9 Olympic Tug & Barge. Did I hear that correctly?

10 A Yes.

11 Q And I hear correctly that Mr. Vartan informed you that
12 they were looking for applications on the various ports
13 throughout the West Coast?

14 A Yes.

15 Q And how long have -- so when you worked at Westoil in
16 2013, were you aware that Olympic Tug & Barge performed work
17 out of L.A. Long Beach Harbor?

18 A I do not recall.

19 Q And at that time, were you a member of the IBU?

20 A Yes.

21 Q Do you have knowledge of whether the IBU still represents
22 the Westoil employees?

23 A Yes.

24 JUDGE SANDRON: Okay. Just one thing to clarify, Mr.
25 Bristol. There is a difference between not recalling something

1 and not knowing something. So just as you answer, try to keep
2 that distinction in mind. So -- so some things, you know, you
3 might not recall whether they occurred or not. Other answers
4 might just be that you don't know. So just try to maybe keep
5 that distinction in mind as you testify.

6 Q BY MR. HILGENFELD: And Mr. Bristol --

7 JUDGE SANDRON: I'll say one thing. Don't -- don't -- we
8 don't want you making a mistake, but there is a certain --
9 certain nuances to the terms that might be helpful on the
10 record.

11 THE WITNESS: Okay. I understand.

12 Q BY MR. HILGENFELD: When you received your offer of
13 employment from Mr. Titland, did you understand that you were
14 being offered employment at Leo Marine Services?

15 A Yes.

16 Q And did I hear you correctly, you're understanding of Mr.
17 Vartan's position for Leo Marine is the general manager?

18 A Yes.

19 Q And did you understand that Westoil was not offering you
20 employment in L.A. Long Beach?

21 A Yes.

22 Q And did you understand that Centerline was not offering
23 you employment at L.A. Long Beach?

24 A Yes.

25 Q Mr. Bristol, I -- I understand that you received a dues

1 authorization form from Mr. Vartan during the orientation
2 period; is that correct?

3 A Yes.

4 Q And did you know what a dues authorization form was?

5 A Yes.

6 Q And were any dues ever deducted from your paychecks?

7 A No.

8 Q Were you -- have you ever been on -- I believe you
9 testified that you were a member of the MMP for Foss; is that
10 correct?

11 A Yes.

12 Q Have you ever been a member of the bargaining committee to
13 negotiate contracts?

14 A Yes.

15 Q Are you familiar with union security clauses within those
16 labor agreements as you -- in general?

17 A I'm sorry. Can you repeat the question?

18 Q Are you generally familiar with union security clauses in
19 labor agreements?

20 MS. YASSERI: Objection. Relevance, beyond the scope of
21 direct examination.

22 MR. HILGENFELD: May I re --

23 JUDGE SANDRON: Mr. Hilgenfeld?

24 MR. HILGENFELD: Well, it's certainly not because he's
25 testified that Mr. Vartan talked about a union security clause

1 within the Leo Marine contract. His understanding what was
2 being discussed about the 30-day period is directly relevant.

3 JUDGE SANDRON: Well, go ahead, and I'll see where you go
4 and then determine whether further inquiry is warranted. Go
5 ahead just briefly because he's testified about certain
6 understandings, but we're not going to go too far into his
7 prior activities on behalf of the Union.

8 Q BY MR. HILGENFELD: Mr. Bristol, did you have a general
9 understanding what a union security clause was during -- during
10 your experience at the MMP?

11 A I have a general -- yes, I have a general understanding.

12 Q And what's your general lay understanding, not legal, just
13 your general understanding?

14 MS. YASSERI: Objection. Calls for a legal conclusion.

15 JUDGE SANDRON: That's true.

16 MR. HILGENFELD: It doesn't, Your Honor. I'm asking his
17 understanding. He can be right or wrong. It's his
18 understanding.

19 JUDGE SANDRON: So -- so do you -- is that -- are you
20 saying that should be considered evidentiary?

21 MR. HILGENFELD: It's just his knowledge. We're not
22 offering this that this is what a union security clause is. We
23 are offering he got information about a 30-day.

24 JUDGE SANDRON: All right.

25 MR. HILGENFELD: He received a contract related to this

1 information. What he understood it to mean is directly
2 relevant -- his understanding.

3 JUDGE SANDRON: Right. I believe you objected on direct
4 examination to certain questions that call -- called for his
5 understanding of certain statements or concepts, so --

6 MR. HILGENFELD: Your Honor, I objected to his
7 assumptions. I'm not asking for his assumption. I'm asking
8 for what he understands.

9 JUDGE SANDRON: And what is the relevance of that?

10 MR. HILGENFELD: Because he received a document from Mr.
11 Vartan.

12 JUDGE SANDRON: Right.

13 MR. HILGENFELD: It's been offered into testimony.

14 JUDGE SANDRON: Right.

15 MR. HILGENFELD: His understanding is directly relevant.

16 JUDGE SANDRON: Well, I'm not sure it is, but I'll make a
17 determination of what bearing that document has or what
18 conversations he had in terms of deciding the issues of -- that
19 are present, but I'm not sure how he interpreted it is going to
20 make a difference on how I weigh it, objectively speaking.

21 MR. HILGENFELD: I believe, Your Honor, the allegations
22 from General Counsel involve the subjective intent of the
23 person receiving the information as well as the object of
24 manifestation from the Employer. When you're talking about
25 discrimination claims, the pers -- how the person subjectively

1 receives that information is relevant to what objectively
2 happened. So just noting that for the record.

3 JUDGE SANDRON: All right. One last --

4 MS. YASSERI: Your Honor, could I --

5 JUDGE SANDRON: Yes. One --

6 MS. YASSERI: I'm sorry.

7 JUDGE SANDRON: -- response.

8 MS. YASSERI: It's not a subjective standard, Your Honor.
9 It's an objective standard.

10 JUDGE SANDRON: All right. Objection sustained.

11 Q BY MR. HILGENFELD: Mr. Bristol, I'm going to turn your
12 attention to what's been marked as Respondent's Exhibit 101 --
13 100, excuse me. And this is the agreement between Leo Marine
14 Services and the SIU. And if we go to the bottom of this page,
15 it's now signed by all the parties dated February 22nd, 2021.
16 Do you see this document?

17 A Yes.

18 Q Okay. And Mr. Bristol, do you see section 102 that talks
19 about employees who are not members of the Union have a
20 condition of employment within 30 days to become members?

21 A Yes, I see.

22 Q Okay. Do you know of anyone that was disciplined or --
23 disciplined in any manner for not becoming a member of the SIU?

24 MS. YASSERI: Objection. Calls for speculation.

25 JUDGE SANDRON: Well --

1 MR. HILGENFELD: I'll refrain, Your Honor.

2 Q BY MR. HILGENFELD: Mr. Bristol, were you ever disciplined
3 regarding your membership status?

4 A No.

5 JUDGE SANDRON: You did join -- you did join the SIU,
6 correct?

7 THE WITNESS: I filled out the application. I filled out
8 the dues card. It never moved forward from there, to my
9 knowledge.

10 JUDGE SANDRON: But did you submit it?

11 THE WITNESS: Yes, that's correct.

12 JUDGE SANDRON: All right.

13 Q BY MR. HILGENFELD: Did you ever pay any dues?

14 A No.

15 Q Did you pay an initiation fee?

16 A No.

17 Q Did you pay an initiation fee when you became a member of
18 the MMP?

19 A Yes.

20 Q Did you pay an initiation fee when you became a member of
21 the IBU?

22 A Yes.

23 Q Did you pay dues when you became a member of the MMP?

24 A Yes.

25 Q Do you pay dues when you became a member of the SI -- or



1 IBU?

2 A Yes.

3 JUDGE SANDRON: Do you wish to offer the -- the agreement?

4 MR. HILGENFELD: We will be offering Respondent's Exhibit
5 100, Your Honor.

6 JUDGE SANDRON: Any objection?

7 MS. YASSERI: No objection, Your Honor.

8 JUDGE SANDRON: All right. Respondent's Exhibit 100 is
9 received.

10 **(Respondent Exhibit Number 100 Received into Evidence)**

11 Q BY MR. HILGENFELD: Mr. Bristol, I'm going to turn your
12 attention to what's been marked as Respondent's Exhibit 101.
13 And this is a memo from Sven Titland regarding the union
14 security clause. Did you ever rec -- did you ever get
15 notification of this memorandum?

16 A I don't recall.

17 JUDGE SANDRON: Well, I guess the question would be, have
18 you ever seen this memorandum?

19 MR. HILGENFELD: Thank you, Your Honor.

20 THE WITNESS: I do not recall seeing this.

21 MS. YASSERI: Your Honor, I'm sorry to interrupt. I
22 understand there have been a number of exhibits that have
23 recently been uploaded to SharePoint.

24 JUDGE SANDRON: Yes.

25 MS. YASSERI: Can -- can we have just five minutes to



1 download these documents before they're shown to Mr. Bristol?

2 JUDGE SANDRON: Yes.

3 MS. YASSERI: They were uploaded minutes ago, so I'm
4 just -- I'm just seeing them now for the first time.

5 JUDGE SANDRON: All right. We'll go off the record for
6 five minutes. Will that give you time to go through them?

7 MS. YASSERI: If I -- if I may, if I can extend it to ten,
8 that would -- that would be great.

9 JUDGE SANDRON: All right. It might be basically more
10 efficient to have the General Counsel be able to see them first
11 then have to go through them as they're presented to the
12 witness. So we'll go off the record for ten minutes to 11:20
13 Pacific.

14 MS. YASSERI: Thank you, Your Honor.

15 JUDGE SANDRON: Off the record.

16 (Off the record at 11:10 a.m.)

17 JUDGE SANDRON: Ms. Yasseri, have you had an opportunity
18 to review those documents?

19 MS. YASSERI: I -- I have, Your Honor. Thank you very
20 much. And may I -- I just want to confirm, with respect to
21 Respondent's Exhibit 100 and 302, have -- have those been
22 received into evidence?

23 JUDGE SANDRON: 100 has been received.

24 MS. YASSERI: Okay. Thank you.

25 JUDGE SANDRON: Okay. Continuation on cross-examination?

1 MR. HILGENFELD: Thank you, Your Honor.

2 **RESUMED CROSS-EXAMINATION**

3 Q BY MR. HILGENFELD: Mr. Bristol, I'm going to turn your
4 attention to -- we talked about Exhibit 101. I'm just going to
5 turn your attention briefly to Exhibit 103, and this is a
6 security clause update memos from Sven Titland. Do you see
7 that, Mr. Bristol?

8 A Yes, I see.

9 Q Do you recall ever seeing this memo?

10 A I do not.

11 MR. HILGENFELD: Okay. At this point, we would offer 103,
12 Respondent's 103.

13 JUDGE SANDRON: Well, I think he said he hasn't -- have
14 you -- did you say you have or haven't seen it?

15 THE WITNESS: Have not.

16 JUDGE SANDRON: No. Okay. Then I don't think we can --

17 MR. HILGENFELD: Well --

18 JUDGE SANDRON: -- admit it based on his testimony.

19 MR. HILGENFELD: We're not offering it based on his
20 testimony. It will be authenticated with other witnesses. I'm
21 just trying to expediate time here to have --

22 JUDGE SANDRON: All right. Well --

23 MR. HILGENFELD: -- (audio interference) issue it.

24 JUDGE SANDRON: Well, if the General Counsel and Charging
25 Parties don't object -- I mean, certain documents may be

1 undisputedly authentic, and then they can be admitted on that
2 basis if there's no issue -- no other issue.

3 MS. YASSERI: Your Honor, the General Counsel will agree
4 to stipulate to the authenticity of this document.

5 JUDGE SANDRON: All right. And we will assume the
6 Charging Parties concur unless they now say otherwise. Hearing
7 nothing from them, I will conclude they exceed.

8 So Respondent's Exhibit 103 is received.

9 **(Respondent Exhibit Number 103 Received into Evidence)**

10 Q BY MR. HILGENFELD: This is a little longer, Mr. Bristol.
11 This is Respondent's 102. I'd like you to take a moment to
12 read through this document, and then just let me know when
13 you're done, and I will go down further. Let me know if you
14 need to make it bigger as well.

15 A Yes. Can you scroll down for me?

16 Q Of course.

17 A Can you repeat your question?

18 JUDGE SANDRON: Well, can you scroll to the very end so --
19 right. Let me -- there's no letterhead on this document, but
20 you're going to ask the witness if he's seen it.

21 MR. HILGENFELD: Correct, Your Honor.

22 Q BY MR. HILGENFELD: Mr. Bristol, have you -- do you recall
23 seeing this document?

24 A I do not.

25 MR. HILGENFELD: We will still move for Exhibit 102. This

1 is the Dana notice period that was filed with the Region, and
2 it was posted per Region regulations.

3 JUDGE SANDRON: Well, I don't think that we have a
4 foundation for that.

5 MS. YASSERI: Your Honor, and General Counsel would object
6 on this exhibit based on completeness grounds.

7 JUDGE SANDRON: All right. Well, I think we -- we can't
8 admit it at this point.

9 MR. HILGENFELD: All right.

10 Q BY MR. HILGENFELD: Mr. Bristol, were you aware, at some
11 point, that MMP had petitioned for an election of Leo employees
12 in L.A. Long Beach?

13 A Yes.

14 Q Were you aware that the SIU-Leo Marine collective
15 bargaining agreement covered Long Beach and San Francisco?

16 A Yes.

17 Q Were you aware that the SI -- SIU-Leo Marine collective
18 bargaining agreement covered deckhands and engineers as well as
19 tankermen?

20 A Yes.

21 Q And is it fair to say that I think you testified
22 previously that there's a tankerman and a deckhand on the
23 barge, and that the tugs, is it fair to say they would be
24 manned by the captain or -- and maybe a deckhand or an engineer
25 on the tug?

1 A Yes.

2 Q And is a -- I think -- I apologize if you testified this
3 pre -- previously, but on a barge, is it standard to have a
4 two-person manning requirement on a barge?

5 A Yes.

6 Q Is three-person unusual?

7 A No.

8 Q Does Leo Marine have a two-person manning requirement?

9 A Yes.

10 Q And with --

11 JUDGE SANDRON: Do they ever have more than two?

12 THE WITNESS: Yes, at times, with a new -- newer employee
13 as basically under training.

14 JUDGE SANDRON: I see. So -- so they have, at most, two
15 and a trainee?

16 THE WITNESS: Yes, that's correct.

17 Q BY MR. HILGENFELD: And when did you become aware that MMP
18 had petitioned for an election?

19 A I do not recall a date.

20 Q Do you recall if it was before or after that you met with
21 the SIU in the parking lot?

22 A I do not recall.

23 Q Do you have knowledge of whether the IBU petition to
24 represent the employees at Leo in L.A.?

25 A Yes.



1 Q And do you have knowledge as to whether an election was
2 actually conducted?

3 A I do not.

4 Q Okay. Did you have any meetings that you attended with
5 MMP representatives at or near the Leo facilities?

6 A Yes.

7 MS. YASSERI: Objection. Relevance.

8 JUDGE SANDRON: Mr. Hilgenfeld, what's --

9 MR. HILGENFELD: One of the charges is we've denied unions
10 equal access. We wanted --

11 MS. YASSERI: Your Honor, may I?

12 JUDGE SANDRON: Well, I don't think that's before me, is
13 it?

14 MS. YASSERI: It -- may -- yes. May I be heard, Your
15 Honor?

16 JUDGE SANDRON: Yes.

17 MS. YASSERI: The access allegation is not part of this
18 consolidated complaint, Your Honor. It was alleged in the
19 charge. It is not part of the consolidated --

20 JUDGE SANDRON: All right.

21 MS. YASSERI: -- complaint.

22 JUDGE SANDRON: All right. Then we don't need to get into
23 that.

24 MR. HILGENFELD: I apologize. Thank you, Ms. Yasseri.

25 Q BY MR. HILGENFELD: Mr. Bristol, have you ever entered Mr.

1 Vartan's office?

2 A Yes.

3 Q And do you recall seeing a nameplate as you're entering
4 Leo Marine Services that has his name on it?

5 A I do not recall.

6 JUDGE SANDRON: How -- how often have you gone into his
7 office?

8 THE WITNESS: I mean, at least a handful of times.

9 JUDGE SANDRON: Since March of 2021?

10 THE WITNESS: Yes.

11 MR. HILGENFELD: I didn't hear an answer to that. I
12 apologize if there was one.

13 THE WITNESS: I do not recall.

14 MR. HILGENFELD: Okay.

15 JUDGE SANDRON: Well, no, no. I think I asked him -- I
16 think my last question was he said he'd been there -- in there
17 a handful of times, and I asked, is that since March of 2021?
18 And Mr. Bristol, I understand you said, yes, since March 2021?

19 THE WITNESS: Yes, that's correct.

20 JUDGE SANDRON: And Mr. Bristol, I --I know you're
21 testifying worldly, but I don't know if you're comfortable with
22 the way you're sitting. If -- if you want, you can get more --
23 in a more comfortable position, you're welcome to do so.

24 THE WITNESS: Yes, thank you. This is the best I got to
25 do. I got -- I don't have childcare today, so I'm kind of

1 camped out in the garage.

2 JUDGE SANDRON: Okay. That's one of the problems with
3 Zoom trials, but thank you for pointing that out.

4 Q BY MR. HILGENFELD: Mr. Bristol, I'm going to turn your
5 attention to GC Exhibit 11. Can you see that document?

6 A Yes.

7 Q To your knowledge, are the individuals listed under the
8 barge crews list all employed at Leo Marine?

9 JUDGE SANDRON: As of that date, right, because we're --
10 that was back in March of 2021.

11 MR. HILGENFELD: Oh, that's true. Actually, we can
12 just -- we can just present information on that. Fair enough,
13 Your Honor.

14 Q BY MR. HILGENFELD: Mr. Bristol, you testified that,
15 initially, when you first got hired, there was some OTB
16 supervisors. I think you had mentioned Byron Peterson, maybe
17 somebody else, Brian Vartan getting on the equipment -- at Leo
18 Marine, Brian Vartan getting on the equipment. Did I
19 understand that generally correct?

20 A Yes.

21 Q Outside of that first several-week period, have you seen
22 OTB people on Leo Marine equipment since then on barges?

23 A No, but with the explanation of it was the first month.

24 Q Okay. Was everything that first month chaotic?

25 A Yes.

1 Q Prior to working at Leo Marine Services, were you aware of
2 the company Starlight Mining Services?

3 A Yes.

4 Q What was your understanding of Starlight Marine Services?

5 A My understanding is that it was another tugboat company.

6 Q Did you understand they also did barge work?

7 A No, not to my understanding.

8 Q Did you know they had an agreement with the SIU?

9 A Yes, I did.

10 Q Did you have an understanding what the connection was
11 between Starlight Marine and Leo Marine?

12 A Can you re-ask that question?

13 Q Did you have an understanding of the connection between
14 Starlight Marine and Leo Marine?

15 A I would say no with an explanation of there was no company
16 of Leo Marine Services that I knew of. You know, I only knew
17 of Leo Marine when I was offered a letter. Prior to that,
18 there was no explanation of a company named Leo Marine
19 Services.

20 Q Understood. Mr. Bristol, are you familiar with the -- the
21 term spot work?

22 A Yes.

23 Q What's spot work?

24 A To my knowledge, it is the shared barge work between two
25 companies, and that's the only result that I've handled with,

1 by interchanging barges from company.

2 Q Are you familiar with day work?

3 A No.

4 Q Do you have any knowledge as to whether Leo Marine was
5 provided services to Phillips 66 in the L.A. Long Beach Harbor
6 since you've been employed there?

7 A Yes.

8 Q Do you have any knowledge of Leo Mari -- Leo Marine
9 providing work to Aegean since you've been there?

10 A I'm sorry. Can you repeat the name?

11 Q Aegean, A-E-G-E-A-N.

12 A No.

13 Q Do you have any knowledge of Leo Marine Services providing
14 work to Peninsula since you've been there?

15 A No.

16 Q Do you have any knowledge of Leo Marine Service providing
17 work to Glencore since you've been there?

18 A Yes.

19 Q Do you have any knowledge as to Leo Marine Services
20 providing work to Marathon since you've been there?

21 A Yes.

22 Q Do you have any knowledge as to work provided to BP
23 from -- or British -- British Petroleum from Leo Marine
24 Services since you've been there?

25 A To my knowledge, no.

1 Q Okay. Mr. Bristol, you gave -- I guess a couple of
2 different times, you talked about the number of employees at
3 Leo Marine, and I believe you gave an estimate now of, as I
4 understand, 40 to 45 at Leo Marine?

5 A Present? Yes. I'm sorry. Can you repeat the question?

6 Q Yeah. I'm just trying to -- I believe you testified that
7 Leo Marine currently has 40 to 45 employees. Was that -- was
8 that correct?

9 A I -- I mentioned 45 to approximately 50.

10 Q Okay. I -- I apologize. Was that just Leo Marine L.A. or
11 Leo Marine L.A. and Leo Marine San Francisco?

12 A I was referring to Leo Marine L.A.

13 Q Okay. And that 45 to 50, would that include captains?
14 Is that crew members, when you say 45 to 50?

15 A Yes, that's correct.

16 Q And at the parking lot meeting, did I understand correctly
17 that there was approximately ten bunker and tug Leo Marine
18 employees at that parking lot meeting with the SIU?

19 A Yes.

20 Q Were there any management personnel at that meeting?

21 A No.

22 Q Did any management personnel direct you to attend that
23 meeting?

24 A I -- no, with an explanation there was no direct to go to
25 the meeting. There was a mention from the management that they

1 would be there for -- for us to have questions -- or answers --
2 questions answered.

3 JUDGE SANDRON: And who was it in management that advised
4 you they would be there?

5 THE WITNESS: Mr. Vartan.

6 Q BY MR. HILGENFELD: And was that question's answer
7 regarding the current contract that just got into between Leo
8 and SIU?

9 A Yes.

10 JUDGE SANDRON: Were you paid for that time?

11 THE WITNESS: I'm sorry.

12 JUDGE SANDRON: For the meeting.

13 THE WITNESS: For the --

14 JUDGE SANDRON: Were you paid? When you -- when you
15 attended the SIU meeting, were -- were you on paid time?

16 THE WITNESS: We weren't designated to be paid for it, but
17 it was -- it was ten minutes prior to my coming on shift, so I
18 was -- during the meeting, I wasn't on the shift, and half the
19 meeting, I was clocked in for the shift. So if that makes
20 sense.

21 JUDGE SANDRON: Well, you said it was ten minutes -- I
22 think you got cut off -- ten minutes before --

23 THE WITNESS: Yes. We start -- our shift starts at 1900.
24 They were in the parking lot roughly 1845, started the meeting
25 1850. Needed to go clock in, clocked in at 1900, and finished

1 the meeting maybe five minutes after. So I was off the clock
2 and on the clock during the meeting.

3 Q BY MR. HILGENFELD: Who -- so the meeting was before your
4 shift started?

5 A Before and during.

6 JUDGE SANDRON: So it overlapped into work, no?

7 THE WITNESS: Yes, that's correct.

8 Q BY MR. HILGENFELD: Do any management direct you to go
9 clock in?

10 A No.

11 Q So you clocked in on your own?

12 A Yes.

13 Q And is there a six-minute grace period between clocking in
14 and clocking out at Leo Marine?

15 A Yes, that's correct.

16 Q Mr. Bristol, I appreciate your time, especially with you
17 taking care of your child here today. Thank you.

18 A Thank you.

19 JUDGE SANDRON: Ms. Yasseri, any redirect?

20 MS. YASSERI: Yes, Your Honor. Just briefly, if I may.

21 JUDGE SANDRON: Yes.

22 **REDIRECT EXAMINATION**

23 Q BY MS. YASSERI: Mr. Bristol, you testified during cross-
24 examination about a two-day orientation and -- and not getting
25 paid for that time. Do you remember that?

1 A Yes.

2 Q Okay. During that two-day orientation on the 23rd and
3 24th of February 2021, did you ever actually perform any
4 bunkering work during those two days?

5 A No.

6 Q Okay. Did you acc -- did you have access to any of the
7 equipment during the two-day orientation?

8 A To my knowledge, at that point, I wasn't -- not sure if
9 the -- the equipment -- the Anne Elizabeth, the David Fanning,
10 the Bernie Briere had been given over from Westoil. But
11 definitely for the FDH 35-3, -4, -5 were still in the hands of
12 Foss Maritime.

13 Q At any point during that two-day orientation, did you ever
14 go onto a barge to -- to do any inspection or to perform any
15 work?

16 A No.

17 Q You also -- Mr. Higgenfeld (sic) asked you about Leo
18 Marine having a two-person manning requirement. Do you
19 remember that?

20 A Yes.

21 Q Okay. Can you just explain to us the job classifications
22 that would fall under that two-person manning requirement?

23 A Yes. The anchorman PIC, and then there's two different
24 positions based off of your credentials. There's a deckhand I
25 or a deckhand II, and it's basically a deckhand.

1 Q Okay. Mr. -- Mr. Higgenfeld (sic) also asked you about
2 whether you had been to Brian Vartan's office during your time
3 at Leo Marine. Do you remember that?

4 A Yes.

5 Q I -- I believe you said you'd been there a handful of
6 times.

7 A Yes, that's correct.

8 Q Can you describe for us where Mr. Vartan's office is
9 located?

10 A In the main building on L.A. berth 301. It's, yeah, in
11 the main building.

12 Q Do you know is it on a specific floor?

13 A It's one floor. It's like a bungalow building, so it's
14 only one floor story.

15 Q Do you know whether -- do you know the -- whether there
16 are other officers of other man -- other offices of other
17 managers near Mr. Vartan's?

18 A Yes, there are.

19 Q And who -- who are those? Whose offices are those?

20 A I mean, it seems to be a whole lot. The ones I can name
21 are probably Ben Kotin, the safety manager, Doug Houghton, and
22 then there's a bunch of cubicles with different other managers
23 that I -- I can't recall the name of.

24 Q With respect to Mr. Houghton, how far and free would you
25 say his office is from Mr. Vartan's office?

1 A Not too far.

2 JUDGE SANDRON: Can you give us just a --

3 MS. YASSERI: I'm sorry. Mr. Bristol, you broke up.

4 THE WITNESS: I don't have an estimate of feet or
5 anything, but not too far.

6 JUDGE SANDRON: Okay. Well, can you say, like, maybe over
7 ten feet or over 20 feet? You know, just --

8 THE WITNESS: Over ten feet.

9 JUDGE SANDRON: Would you say over 20 as well?

10 THE WITNESS: No, I -- I guess under 20.

11 JUDGE SANDRON: All right. Between ten and 20, then, is
12 your best estimate?

13 THE WITNESS: Yeah. Yeah.

14 Q BY MS. YASSERI: Okay. You also -- Mr. Higgenfeld (sic)
15 also asked you about spot work. Do you remember that?

16 A Yes.

17 Q And I believe you -- you testified that your understanding
18 of spot work where it was shared barge work between two
19 companies, it was an interchange of equipment between
20 companies; is that right?

21 A Yes.

22 Q Okay. What are some of the companies that you've, in --
23 in your role at Leo Marine that you have seen engage in this
24 spot work with Leo Marine?

25 A Leo Marine and Westoil Marine Services.



1 MS. YASSERI: Nothing further, Your Honor.

2 JUDGE SANDRON: Any further questions, Mr. Iglitzin?

3 MR. IGLITZIN: No, not from the IBU. Thank you.

4 JUDGE SANDRON: And Mr. Wojciechowski?

5 MR. WOJCIECHOWSKI: Nothing from MMP. Thank you.

6 JUDGE SANDRON: Any recross, Mr. Hilgenfeld?

7 MR. HILGENFELD: I do, Your Honor. And I -- rather than
8 subpoena a witness, I do have a question that he'd gone through
9 on direct, so I ask a little latitude. It's not going to take
10 very long.

11 JUDGE SANDRON: All right. Go ahead. We'll see how the
12 General Counsel responds.

13 **RECROSS-EXAMINATION**

14 Q BY MR. HILGENFELD: Mr. Bristol, if I understand
15 correctly, you had talked that there no -- you could not
16 remember any barge employees coming up from L.A. to San
17 Francisco. Did I hear that correctly?

18 MS. YASSERI: Objection. Beyond the scope. Beyond the
19 scope of redirect.

20 MR. HILGENFELD: Your Honor, we could subpoena Mr. Bristol
21 and call him back in a week. It's not very long I need to go
22 through. It certainly expedites our time and Mr. Bristol's
23 time.

24 JUDGE SANDRON: Well, if you want to discuss, we'll go off
25 the record. I mean, if you want to just discuss that briefly

1 with Ms. Yasserli, and then I would have to agree with her,
2 though, if she takes the position that it's inappropriate, is
3 beyond the scope of redirect, then I would have to agree with
4 her. If you can convince her that you should be allowed to ask
5 one -- is that one question you're talking about?

6 MR. HILGENFELD: It's going to be about three questions,
7 Your Honor.

8 JUDGE SANDRON: Well, we'll go off the record just for a
9 minute. You -- you can discuss it with her, and if she wants
10 to take the position that it is inappropriate, I'll -- I'll
11 sustain her objection. We'll just give you a couple minutes.
12 I don't know if you can get into a -- a break room. I'm not
13 too --

14 Mr. Tannenbaum, can they, just the two of them, be very
15 briefly in a break room together?

16 MR. TANNENBAUM: Yeah. I'll put them in one right now,
17 Your Honor.

18 JUDGE SANDRON: Okay. Once you do that, just discuss it
19 briefly, and then we'll come back on the record. We can stay
20 on the record, but maybe you can just go into the -- the break
21 room briefly, so.

22 MS. YASSERI: Thank you, Your Honor.

23 JUDGE SANDRON: And -- and other Counsels as well, if
24 you -- if you want to join in.

25 MR. RIMBACH: Could you please put me in the breakroom --

1 JUDGE SANDRON: Mr. Rimbach --

2 MR. RIMBACH: -- as well?

3 JUDGE SANDRON: -- you want to go as well?

4 MR. RIMBACH: Yes, Your Honor.

5 JUDGE SANDRON: Okay.

6 MR. RIMBACH: Thank you.

7 MR. IGLITZIN: And I would like to go as well.

8 JUDGE SANDRON: All right. And Mr. Wojciechowski, you're
9 welcome to join them as well.

10 MR. WOJCIECHOWSKI: Sure.

11 JUDGE SANDRON: This will just be for --

12 MR. WOJCIECHOWSKI: Why not?

13 JUDGE SANDRON: All right.

14 MR. WOJCIECHOWSKI: Everybody else is going.

15 UNIDENTIFIED SPEAKER: I'll join as well, please.

16 JUDGE SANDRON: This'll be just a short break room. We
17 can --

18 THE COURT REPORTER: And Judge, you want to stay on the
19 record?

20 JUDGE SANDRON: Well, which is it -- which is easier? You
21 know, we can either just stay on here like a pause, or we could
22 just go off the record. Does it make any difference to you?

23 THE COURT REPORTER: It does not.

24 JUDGE SANDRON: All right. I -- I suppose we can go off
25 the record, and as soon as they're back from the break room,

1 we'll go back on. Off the record.

2 (Off the record at 11:48 a.m.)

3 JUDGE SANDRON: Have the parties been able to reach an
4 agreement?

5 MR. HILGENFELD: I believe we have, Your Honor.

6 JUDGE SANDRON: All right.

7 MS. YASSERI: Yes, Your Honor.

8 JUDGE SANDRON: So does the General Counsel not have an
9 objection to the Counsel for the Respondent going forward with
10 his questions?

11 MS. YASSERI: Not at this time, Your Honor.

12 JUDGE SANDRON: And I assume the other Counsels agree, so
13 Mr. Hilgenfeld, please go ahead.

14 MR. HILGENFELD: Thank you.

15 **RESUMED RECROSS-EXAMINATION**

16 Q BY MR. HILGENFELD: Mr. -- Mr. Bristol, you moved on me.
17 Mr. Bristol, I believe you testified that you didn't recall any
18 barge personnel going from San Francisco to L.A. Did I
19 understand that correctly?

20 A Yes.

21 Q Have tug -- have Leo Marine tug personnel gone from L.A.
22 to San Francisco?

23 A Yes.

24 Q Have Leo Marine tug personnel gone from San Francisco to
25 L.A.?

1 A I do not recall any.

2 Q How long, do you recall, or do you know, did any of the
3 Leo Marine tug personnel come back to L.A. after going to San
4 Francisco?

5 A Yes, they did.

6 Q Approximately how much later did they come back?

7 A To my knowledge, a week.

8 Q Regarding the shared work, do you know if Westoil and
9 Olympic Tug & -- and I think you just testified that Westoil
10 and Leo Marine Services had performed some spot work together?

11 A Yes.

12 Q Do you know if that was contracted separately by each
13 company?

14 A I do not know.

15 Q Have you ever been involved where Foss has been involved
16 with pulling barges for Leo Marine?

17 A Me, personally, not been on board, but yes, I've heard of
18 Foss tugboats moving Leo Marine Services bumper barges.

19 Q Okay. Thank you, Mr. Bristol.

20 MR. HILGENFELD: No further questions.

21 JUDGE SANDRON: Ms. -- Ms. Yasseri and Mr. Iglitzin and
22 Mr. Wojciechowski, any follow-up questions based on those?

23 MS. YASSERI: Not on behalf of the General Counsel, Your
24 Honor.

25 MR. IGLITZIN: Not on behalf of the IBU, Your Honor.

1 MR. WOJCIECHOWSKI: Nothing from MMP. Thank you.

2 JUDGE SANDRON: Okay. Well, thank you, Mr. Bristol.

3 We -- we appreciate your time today. I just ask that you not
4 discuss your testimony with any other witnesses until after the
5 trial is over. So thanks again for your time.

6 THE WITNESS: Okay. Thank you.

7 JUDGE SANDRON: So I -- I believe we're ready for the next
8 witness from General Counsel, and depending on how long that
9 witness is, we can try to finish with him or her today.

10 MR. RIMBACH: Yes, Your Honor. The next witness will be
11 relatively short, so I prefer to present that witness next.
12 But if we could just take a five-minute break --

13 JUDGE SANDRON: Yes.

14 MR. RIMBACH: -- in order to let the witness know to log
15 in and as well as to upload exhibits to SharePoint.

16 JUDGE SANDRON: Mr. Hilgenfeld?

17 MR. HILGENFELD: Yeah. Thank you, Your Honor. To the
18 extent this is someone that was in the IBU, we do have an
19 outstanding subpoena issue that we need for cross-examination
20 purposes. If it's not an IBU represent -- representative or
21 member employee, it's less important, but that is an
22 outstanding issue before you, Judge.

23 JUDGE SANDRON: Now, other than the matter of the -- that
24 was raised in the petition to revoke regarding timeliness,
25 have -- have you discussed the -- any way that -- like you did

1 with the subpoena of the General Counsel to maybe reach an
2 agreement on narrowing the scope of the subpoena so that it
3 would be acceptable to the Union?

4 MR. RIMBACH: We haven't, Your Honor, because it's
5 extremely narrow. And I would submit to you we have some of
6 those documents already, that the IBU does not need to
7 reproduce them, but they're provided to us with a -- with a
8 confidentiality order. We are not allowed to use it in other
9 cases. So we have to -- we have to put the subpoena out there
10 to get the information.

11 MR. IGLITZIN: Actually, and I'm sorry, I've been remiss
12 for not reaching out to -- to Chris about this. We are willing
13 to allow the Respondents to use any document we have previously
14 produced to Centerline litigation subject to the productive
15 order that was issued in this proceeding. And I -- I believe,
16 although I'm happy to have a further conversation, that is the
17 universe of -- of responsive documents. So we believe that
18 Centerline already has all the documents that are responsive.

19 JUDGE SANDRON: All right. Well, maybe before you begin
20 cross-examination, Mr. Hilgenfeld, you and Mr. Iglitzin can
21 confer, and maybe it will turn out that there's no need for you
22 to pursue the documents that you subpoenaed.

23 MR. RIMBACH: And with respect to this next witness, that
24 witness was not a member of IBU.

25 JUDGE SANDRON: Oh, okay. Well, before we -- the witness

1 that would be responsive or would be implicated in the
2 subpoena, then we can maybe have Mr. Iglitzin and Mr.
3 Hilgenfeld confer, but it looks like maybe that matter will be
4 resolved.

5 MR. HILGENFELD: That sounds good. I'll look it over,
6 Dmitri, and give you a call if we need to talk about anything.

7 MR. IGLITZIN: Thank you.

8 JUDGE SANDRON: So okay. Mr. Rimbach, do you have your
9 next witness?

10 MR. RIMBACH: Sorry. I just need five minutes.

11 JUDGE SANDRON: Oh. That's right. All right. Well, why
12 don't we -- it's 11:55. Why don't we come back at, say, 12:05,
13 just ten minutes, okay? I'll see everybody in ten minutes.

14 MR. RIMBACH: Thank you, Your Honor.

15 JUDGE SANDRON: Off the record.

16 (Off the record at 11:56 a.m.)

17 JUDGE SANDRON: Mr. Rimbach, do you have the next witness
18 for the General Counsel?

19 MR. RIMBACH: Yes, Your Honor. Jason Pieniazek should be
20 in the waiting room.

21 JUDGE SANDRON: Okay. I believe he -- I see his name up
22 there.

23 MR. PIENIAZEK: Can I have just a minute, I'm --

24 JUDGE SANDRON: I think he's going to be joining us.

25 There he is. Okay. Mr. Pieniazek, did I pronounce that right?

1 I'm the judge who will be presiding today. And Mr. Rimbach
2 will have some questions for you. And the attorney for the
3 company will probably have questions for you. And the
4 attorneys for the unions who are involved may have questions.
5 So just try to listen carefully to each question and answer it
6 as best as you can.

7 Mr. Rimbach?

8 MR. RIMBACH: Thank you, Your Honor. Good afternoon, Mr.
9 Pieniazek.

10 JUDGE SANDRON: So actually --

11 MS. YASSERI: Excuse me, Judge.

12 JUDGE SANDRON: -- wait.

13 MS. YASSERI: Excuse me.

14 JUDGE SANDRON: I forgot to swear him in. Wait a minute.
15 I jumped ahead --

16 MS. YASSERI: Right. Yes.

17 JUDGE SANDRON: -- in the game. I jumped ahead. I'm
18 going to swear you in. So if you will please raise your right
19 hand.

20 Whereupon,

21 **JASON PIENIAZEK**

22 having been duly sworn, was called as a witness herein and was
23 examined and testified, telephonically as follows:

24 JUDGE SANDRON: Okay. You can lower your hand. Could you
25 state and spell your full and correct legal name and provide us

1 with an address, either work or residence?

2 THE WITNESS: I'm Jason Pieniazek. J-A-S-O-N P-I-E-N-I-A-
3 Z-E-K. My address is 15950 Royale Court, Fountain Valley,
4 California, 92708.

5 JUDGE SANDRON: And thank you.

6 THE WITNESS: Um-hum.

7 **DIRECT EXAMINATION**

8 Q BY MR. RIMBACH: Good afternoon, Mr. Pieniazek.

9 A Good afternoon, Tom.

10 Q Are you familiar with a company called Wilmington
11 Transportation?

12 A Yes.

13 Q How are you familiar with that company?

14 A I worked for them in the 90s.

15 Q Do you remember about what years?

16 A '96 to '99.

17 Q What was your job title when you worked there?

18 A I started out as a trainee, moved to assistant tankerman,
19 and finally to a tankerman.

20 Q What location were you based at when you worked for
21 Wilmington Transportation?

22 A I believe the office was at berth L.A. 86 in San Pedro.

23 Q Was that in the Los Angeles Harbor?

24 A Yes.

25 Q What kind of company was Wilmington Transportation?



1 A They had tugboats and oil barges.

2 JUDGE SANDRON: Okay. Okay. Yeah. Just for one moment,
3 I need to reset my VPN connection. So if we just hold on for a
4 minute, I'll be right back as soon as I have it reconnected.

5 Okay. I'm reconnected, so.

6 MR. RIMBACH: Thank you, Your Honor.

7 Q BY MR. RIMBACH: When you were with Wilmington
8 Transportation, what were these tugboats and barges used for?

9 MR. HILGENFELD: Your Honor, I'm going to object to
10 relevance of what willing -- Wilmington Transportation did in
11 the 1990s to the proceeding.

12 MR. RIMBACH: It's just general background information.
13 It's just one question, and I'll move on.

14 JUDGE SANDRON: All right.

15 Q BY MR. RIMBACH: When you were with Wilmington
16 Transportation, what were the tugboats and barges used for?

17 A Ship assist and bunker work.

18 Q And just briefly, what were your job duties as a
19 tankerman?

20 A Overseeing the loading and discharging of the bunker --
21 the oil barges.

22 Q Were you a part of a union when you were employed by
23 Wilmington Transportation?

24 A Yes.

25 Q What union?

1 MR. HILGENFELD: I'm going to object to relevance. This
2 Wilmington Transportation has no connection to this matter
3 whatsoever.

4 MR. RIMBACH: Again, we're getting there. The objection
5 is premature.

6 JUDGE SANDRON: Well, is -- is there a connection between
7 Wilmington and any of the later companies that --

8 MR. RIMBACH: Yes, Your Honor. Foss Maritime.

9 JUDGE SANDRON: Which --

10 MR. HILGENFELD: But that's not -- but Foss Maritime is
11 not a member of this law -- this complaint, either.

12 JUDGE SANDRON: Well, I think we're -- at this point, it's
13 a little -- we're dealing with, basically, I'm not saying legal
14 success, necessarily, but successors, and I'll have to just,
15 later on, determine if any of these background relationships
16 are relevant. But I'll -- I'll allow briefly, but I don't
17 think we need a lot of detail about his -- his work with that
18 company.

19 MR. RIMBACH: Yes, Your Honor.

20 Q BY MR. RIMBACH: Were you part of a union when you're
21 employed by Wilmington Transportation?

22 A Yes.

23 Q What union?

24 A Masters, Mates, & Pilots.

25 Q Why did your employment with Wilmington Transportation

1 end?

2 A Foss Maritime purchased all the equipment from --

3 Q About when did that happen?

4 A It was towards the end of 1999.

5 Q What equipment was purchased by Foss Maritime?

6 JUDGE SANDRON: All right. Mr. Hilgenfeld, do you an -- I
7 see your hand up. You have an ongoing objection, I assume, to
8 this line, but I think Mr. Rimbach has indicated it will tie up
9 to more current inci -- events.

10 MR. RIMBACH: Yes, Your Honor. This is just very brief
11 background. I mean --

12 JUDGE SANDRON: All right. Go ahead.

13 MR. RIMBACH: -- the objections are --

14 JUDGE SANDRON: All right. I'll allow it as long as we
15 don't get into too much detail.

16 Q BY MR. RIMBACH: What equipment was purchased by Foss
17 Maritime?

18 A The tugboats and the oil barges.

19 Q What happened to your employment status when Foss Maritime
20 purchased Wilmington Transportation's equipment?

21 A We -- the employees went over with the equipment.

22 Q So does that mean you became employed by Foss Maritime?

23 A Yes.

24 Q Did your job title as a tankerman remain the same?

25 A Yes.

1 Q Did your job duties remain the same?

2 A Yes.

3 Q Were there any licenses or training required to become a
4 tankerman?

5 JUDGE SANDRON: All right. I think we're getting into too
6 much unnecessary information.

7 MR. RIMBACH: Okay. I'll move on.

8 MR. HILGENFELD: Your Honor, I would also --

9 JUDGE SANDRON: Yes.

10 MR. HILGENFELD: -- just note for the record, to the
11 extent the General Counsel somehow believes this is proper
12 comparator evidence about what should have occurred between
13 Saltchuk and Centerline, whatever happened 25 years ago between
14 Foss and a different company is just improper. I'd just like
15 to note that for the record.

16 JUDGE SANDRON: All right. I'm not -- I'm not sure, Mr.
17 Rimbach, if that's your purpose, but anyway, Mr. Hilgenfeld --

18 MR. RIMBACH: It's --

19 JUDGE SANDRON: -- your comment's noted on the record.

20 MR. RIMBACH: And it's not, Your Honor. This is just
21 merely brief background information regarding this employee's
22 employment background as a tankerman.

23 JUDGE SANDRON: Okay. Well, obviously, he has quite a bit
24 of experience in the field.

25 MR. RIMBACH: Thank you, Your Honor.

1 Q BY MR. RIMBACH: When you became employed by Foss
2 Maritime, did you remain a union member of MMP?

3 A Yes.

4 Q Are you currently employed by Foss Maritime?

5 A No.

6 Q When did your employment end with Foss Maritime?

7 A Our last day was February 28th, 2021.

8 JUDGE SANDRON: So -- so you worked for them from 1999 to
9 2021?

10 THE WITNESS: Yes.

11 JUDGE SANDRON: And did your job duties stay fairly
12 consistent during that whole period of time?

13 THE WITNESS: Yes.

14 Q BY MR. RIMBACH: Do you know why your employment ended
15 with Foss Maritime?

16 A From our understanding, the equipment was sold to
17 Centerline.

18 JUDGE SANDRON: And -- okay.

19 Q BY MR. RIMBACH: And what happened exactly with your
20 employment with Foss maritime, like, in terms of were you laid
21 off or was it a termination or did you quit?

22 A We were basically terminated. They told us that February
23 15th -- I mean -- yeah, February 15th would be our last day.
24 That was later extended to February 28th.

25 Q When did you first find out that you would be terminated?

1 JUDGE SANDRON: All right. Hold on. We may be getting
2 too -- I think we've already had testimony from two witnesses
3 on -- on the subject unless is there any -- any dispute over
4 those dates? Mr. Hilgenfeld, at this point, does the
5 Respondent have any --

6 MR. HILGENFELD: We --

7 JUDGE SANDRON: -- any contention that those are
8 inaccurate, what the other witnesses said?

9 MR. HILGENFELD: Not from what Foss told those employees.
10 We -- we don't dispute that that's what --

11 JUDGE SANDRON: All right.

12 MR. HILGENFELD: -- what Foss --

13 MR. RIMBACH: If the Respondents are willing to admit
14 that, you know, Centerline and Leo Marine did not start its
15 operations until March 1st, 2021, then, you know, there would
16 be --

17 JUDGE SANDRON: Well --

18 MR. RIMBACH: -- no need for this testimony.

19 JUDGE SANDRON: All right. Well, I don't know if that's
20 really the -- what he's saying -- what the witness would be
21 testifying about. What I think the witness would be
22 testifying, as the other witnesses did, what they were told
23 about the changeover to Leo Marine. Is that correct, Mr.
24 Hilgenfeld?

25 MR. HILGENFELD: I'm -- I apologize, Your Honor. I'm

1 getting a little sugar starved, my blood level. What did you
2 say? I apologize.

3 JUDGE SANDRON: Well, I believe that -- well, actually,
4 the witness shouldn't even be hearing this, I suppose, but
5 is -- is there any -- I don't think there's any conten -- any
6 dispute over what they were told about -- in February, about,
7 you know, being -- the company, or the operations being changed
8 over to -- to -- to the new company.

9 MR. HILGENFELD: Right. I mean, we have no dispute that
10 Foss told its employees --

11 JUDGE SANDRON: Right.

12 MR. HILGENFELD: -- just come on over and we're going to
13 move. I think that's been on the record and --

14 JUDGE SANDRON: Right, right. And then --

15 MR. HILGENFELD: -- we're not --

16 JUDGE SANDRON: -- extended to -- so I don't think we
17 need -- you know, that's basically stip -- stipulated fact --
18 stipulated fact.

19 MR. RIMBACH: So -- so this is -- this employee's
20 testimony is slightly different, however, and it goes directly
21 towards --

22 JUDGE SANDRON: All right.

23 MR. RIMBACH: -- the -- yeah. I -- it would --

24 JUDGE SANDRON: All right.

25 MR. RIMBACH: -- only be a couple of minutes at the most,

1 Your Honor.

2 JUDGE SANDRON: All right. Well, if you think there are
3 some things you'd like to add --

4 MR. RIMBACH: However you direct testimony, Your Honor.

5 JUDGE SANDRON: All right. Go ahead. If he's -- if
6 there's something that he would add that was not in their
7 earlier versions of what was said, then go ahead.

8 MR. RIMBACH: It's -- it'll be very brief.

9 Q BY MR. RIMBACH: But when did you -- when was the first
10 time that you found out that you were going to be terminated
11 from Foss Maritime?

12 A December 28th, 2020.

13 Q Was that at a meeting or a phone call?

14 A It was over a phone call.

15 Q Do you remember about what time that phone call was?

16 A I believe it was around 10 in the morning.

17 Q Who on behalf of Foss Maritime was on that phone call?

18 A Paul Hendriks, Rosie Chavez, and Greg Carpenter, I
19 believe.

20 Q Was there any employees as well?

21 A Yeah. All the tankermen, sorry.

22 Q What was discussed on that phone call?

23 A That we --

24 Q From the beginning, who said what?

25 A Yeah. Basically that we were --



1 JUDGE SANDRON: Mr. Hilgenfeld, you have your hand raised.

2 MR. HILGENFELD: Yeah. I mean this is cumulative of what
3 we've just had for two days regarding what Foss told the Foss
4 employees. We're not -- we're not contesting whatever that was
5 said. However --

6 MR. RIMBACH: Again, this is very brief testimony, and the
7 testimony is slightly different.

8 MR. HILGENFELD: But --

9 MR. RIMBACH: It goes directly to the allegations at hand
10 with respect to when Leo Marine began its normal business
11 operations.

12 JUDGE SANDRON: All right. Well, I'll allow it if you say
13 it's different -- there's a difference.

14 MR. RIMBACH: The objections are taking longer than the
15 testimony would be, quite frankly, Your Honor.

16 Q BY MR. RIMBACH: Can you describe what --

17 JUDGE SANDRON: Okay. But I mean, it doesn't necessarily
18 mean the objections are without merit, so. Go ahead.

19 Q BY MR. RIMBACH: Can you please describe what happened at
20 the meeting from the beginning? You said what?

21 A Basically, Paul Hendriks just told us that the equipment
22 was being sold to Centerline and that we would be out of a job
23 come February 15th.

24 Q Did anyone ask questions in response or respond to that?

25 A Yeah, I think one of the tankermen asked if the employees

1 would be going over with the equipment.

2 Q Did Mr. Hendriks respond?

3 A He said no.

4 Q Did he explain why?

5 A He said that they -- they asked Centerline to take them.

6 MR. HILGENFELD: Your Honor?

7 Q BY MR. RIMBACH: Did he say how Centerline responded?

8 JUDGE SANDRON: All right.

9 MR. HILGENFELD: Your Honor, to the extent this witness is
10 testifying about double hearsay or triple or quadruple hearsay
11 about certain different people that we would have an ongoing
12 objection on that issue.

13 JUDGE SANDRON: All right. It is noted. As I said, I'll
14 give hearsay testimony the appropriate weight ultimately. All
15 right. You can go ahead and say what he said. Did you -- do
16 you remember the question?

17 THE WITNESS: Yeah, yeah. It was just that we were
18 asked -- we were told that we -- they asked if we would be
19 going over with the equipment. Centerline said no. I believe
20 it was that they didn't want a relationship with the union.

21 Q BY MR. RIMBACH: Now, were you laid off on February 15th,
22 2021?

23 JUDGE SANDRON: All right. Mr. Hilgenfeld, I understand
24 you have a continuing objection, so it's on the record.

25 Q BY MR. RIMBACH: Were you laid off on February 15th, 2021?

1 A It was extended.

2 JUDGE SANDRON: Okay. I should just note on the record
3 that Mr. Hilgenfeld is raising his hand and that's why I'm
4 making certain statements. But he's indicating by raising his
5 hand that he has an objection, so the record is clear to what
6 I'm responding to.

7 Go ahead.

8 Q BY MR. RIMBACH: Okay. I'll ask again. Were you laid off
9 on February 15th, 2021, by Foss Maritime?

10 A It was extended to March 1st -- or February 28th. Sorry.

11 Q When were you informed that your layoff date would be
12 postponed?

13 A I do not remember the exact date.

14 Q Do you recall how you -- were you informed?

15 A I do not recall.

16 Q Do you know why the layoff date was postponed?

17 A We were told that they were not ready to accept the
18 equipment at that time.

19 Q When you say "they", who are you referring to?

20 A Office staff.

21 Q Oh. Sorry. When you say, they were not ready to accept
22 the equipment, who was not ready to accept the equipment?

23 A Centerline.

24 Q And who told you this?

25 A Office staff -- office personnel from Foss Maritime.

1 Q Now, you mentioned at that meeting that an employee asked
2 whether the crew would be going along to Centerline as part of
3 the sale. Did you ever apply for employment with Centerline?

4 A Yes.

5 Q About when was that?

6 A It was about the middle of January.

7 Q Did you contact anyone in particular?

8 A It was Kimberly Cartagena. And I also contacted Brian
9 Vartan.

10 Q Do you know who Brian Vartan is?

11 A Yes.

12 JUDGE SANDRON: That was January 2022?

13 THE WITNESS: January 2021. Sorry.

14 JUDGE SANDRON: Oh, '21.

15 Q BY MR. RIMBACH: And what is your understanding of what
16 Brian Vartan's position was at that time?

17 A He's the bunker barge manager.

18 Q Do you know for what company?

19 A Leo Marine, as understood now.

20 Q What was your understanding at the time that you reached
21 out to him in January 2021 --

22 A I wasn't quite --

23 Q -- of this position?

24 A I wasn't quite sure. I knew his position was manager, but
25 I wasn't sure for what company.

1 JUDGE SANDRON: How did you know to contact him?

2 THE WITNESS: Through, you know, the other guys that had
3 applied there. And I -- I knew that he was the manager. Then
4 I had -- reaching out to Kimberly Cartagena also and hadn't
5 gotten a response.

6 JUDGE SANDRON: Do -- do you remember how you contacted
7 him?

8 THE WITNESS: A phone call.

9 Q BY MR. RIMBACH: Did you actually speak to him at that
10 time?

11 A No, I did not.

12 Q Did you leave a voice mail message?

13 A Yes.

14 JUDGE SANDRON: Did he ever call you back?

15 THE WITNESS: Eventually, yes.

16 Q BY MR. RIMBACH: Now, I'd like to show you -- did you --
17 did you end up applying or submitting an application?

18 A Yes.

19 Q How did you submit an application?

20 A Online.

21 Q Through what website?

22 A The Centerline Logistics website.

23 Q I'd like to show you what's marked as GC Exhibit 18. This
24 consists of three pages. I'll scroll down. Do you recognize
25 this job posting?

1 A Yes.

2 Q What is this?

3 A The requirements for the tankerman position.

4 Q Do you recognize this as the job posting that you applied
5 for?

6 A Yes.

7 Q I just want to note that this printout says March 23rd,
8 2021. But you saw this job posting in January 2021?

9 A Yes.

10 JUDGE SANDRON: So did you get this from the website on
11 March 21st when you had applied earlier?

12 THE WITNESS: I'm sorry. Could you repeat that -- repeat
13 that?

14 JUDGE SANDRON: Oh, okay. You printed this off on March
15 21st from the website?

16 THE WITNESS: No, I did not.

17 JUDGE SANDRON: Oh.

18 THE WITNESS: I don't believe.

19 JUDGE SANDRON: Have you --

20 MR. RIMBACH: I believe this was printed out on the day
21 that he provided his witness statement, Your Honor.

22 JUDGE SANDRON: Did you go into the website, or did he go
23 into it? In other words, who got this from the website? Do --
24 do you recall? Well, we can ask the witness.

25 Do you recall that this was printed out when you gave your

1 affidavit to the Labor Board?

2 MR. RIMBACH: I can represent that it was the Board agent
3 who printed it out at the time that Mr. Pieniazek provided his
4 statement, Your Honor.

5 JUDGE SANDRON: And did he -- did he affirm it in his
6 statement? This -- this particular document?

7 MR. RIMBACH: I believe he recognizes this document as the
8 same one that he saw on January -- in January 2021.

9 JUDGE SANDRON: My question was in his affidavit; did he
10 make reference to this document? If you -- if --

11 MR. HILGENFELD: Your Honor?

12 JUDGE SANDRON: Yes.

13 MR. HILGENFELD: I don't -- the respond -- Respondent Leo
14 Marine does not dispute that this is a --

15 JUDGE SANDRON: Oh, all right. That makes it okay.

16 MR. HILGENFELD: Okay.

17 JUDGE SANDRON: So -- well, there's no -- no issue then
18 with this document. So do you -- do you wish to offer it, Mr.
19 Rimbach?

20 MR. RIMBACH: Yes, Your Honor.

21 JUDGE SANDRON: Okay. Mr. Hilgenfeld has indicated
22 there's no objection, so it is received.

23 **(General Counsel Exhibit Number 18 Received into Evidence)**

24 Q BY MR. RIMBACH: This document states "LMS" on it. Do you
25 know what LMS stands for?

1 JUDGE SANDRON: Well, let me just ask him one other
2 question.

3 Looking through this, does that appear to be the same as
4 the one to which you responded in January?

5 THE WITNESS: It -- it looks very similar. The only thing
6 I don't recall seeing was the LMS at the time. I -- I don't
7 recall seeing that.

8 JUDGE SANDRON: At the top?

9 THE WITNESS: Yes.

10 JUDGE SANDRON: Do you remember -- if you can. I realize
11 it's probably very hard to recall, but do you remember if there
12 was anything at the top on the one that you originally saw
13 where it says tankerman, did it say anything about a company or
14 just say tankerman in San Pedro? If you remember. I know it's
15 been a little while.

16 THE WITNESS: Yeah. I -- I couldn't remember exactly.

17 JUDGE SANDRON: All right. But you say the LMS was not in
18 the one you originally saw?

19 THE WITNESS: I do not recall it being there at the time.

20 JUDGE SANDRON: Okay.

21 Q BY MR. RIMBACH: Is that the only difference that you
22 remember at this time? That the version you saw did not state
23 LMS, to the best of your knowledge?

24 MR. HILGENFELD: Objection. I don't think -- I think that
25 mischaracterized what he said. I think he said he doesn't

1 remember.

2 JUDGE SANDRON: Right. Yeah. I believe that is correct.

3 Q BY MR. RIMBACH: Is that the only difference that you
4 recall -- or that --

5 JUDGE SANDRON: Well, I think his testimony is clear. I
6 don't --

7 MR. RIMBACH: Okay.

8 JUDGE SANDRON: I think he said he recognizes it except
9 for that one reference to LMS.

10 Q BY MR. RIMBACH: Do you know about when you submitted this
11 application?

12 A It was around the middle of January of 2021.

13 Q Did you follow up on this application?

14 A Yes.

15 Q Who did you follow up with?

16 A Kim Cartagena.

17 Q Who is she?

18 A From my understanding, she was the HR person in line.

19 Q Do you know who she is HR with? What particular company?

20 A I believe it was Centerline.

21 Q Why did you contact her specifically? How did you know to
22 contact her?

23 A I heard from a couple of the guys that had been hired on
24 over there that they were getting their interviews set up
25 through Kim.

1 Q How did you contact her?

2 A One of the guys gave me her phone number.

3 Q So did you call her?

4 A Yes.

5 Q Did you speak to her at that time?

6 A No, I did not.

7 Q I'd like to show you GC Exhibit 19. Do you recognize this
8 email? It's dated January 29th, 2021, from you to Kimberly
9 Cartagena.

10 A Yes.

11 Q Did you receive a response to this email?

12 A No.

13 MR. RIMBACH: I'd like to offer GC Exhibit 19 into
14 evidence.

15 JUDGE SANDRON: Any objection?

16 MR. HILGENFELD: No objection.

17 JUDGE SANDRON: The document is received.

18 **(General Counsel Exhibit Number 19 Received into Evidence)**

19 Q BY MR. RIMBACH: Did you end up having an interview with
20 Centerline?

21 A Yes.

22 Q When was that interview?

23 A It was sometime in August of 2021.

24 Q Did you receive a job offer?

25 A Yes.



1 Q Who did you receive a job offer with? What company?

2 A I don't recall. There was -- I remember there being
3 some -- a few pages.

4 JUDGE SANDRON: Do you recall --

5 Q BY MR. RIMBACH: Did you accept that job offer?

6 A I did.

7 JUDGE SANDRON: Do you recall who interviewed you?

8 THE WITNESS: I'm sorry?

9 JUDGE SANDRON: Do you recall who interviewed you?

10 THE WITNESS: Yes.

11 JUDGE SANDRON: Give us --

12 THE WITNESS: Kimberly --

13 JUDGE SANDRON: -- names.

14 THE WITNESS: Kimberly Cartagena and Brian Vartan.

15 JUDGE SANDRON: And I think you said you were hired?

16 THE WITNESS: Yes.

17 Q BY MR. RIMBACH: And is that your current employer?

18 A Yes.

19 Q Who are you currently employed by?

20 A Leo Marine.

21 Q So when you were laid off by Foss Maritime on about
22 February 28th, 2021, were there other bargaining unit members
23 at Foss Maritime who were also laid off on that date?

24 A Yes. All of them.

25 Q What classifications of employees did that include? So

1 there were tankermen like yourself and anyone else?

2 A Some assistant tankermen.

3 Q At the time that you were laid off by Foss Maritime on
4 February 28th, 2021, what kind of work was Foss Maritime
5 performing specifically?

6 A Ship assist and bunker barge work.

7 Q With respect to the bunker barge work, did Foss Maritime
8 work for any particular customer or client?

9 A Yes.

10 Q What customer was that?

11 A They had a few on the ship assist side. But for the
12 bunker barge, it was mainly Chevron.

13 Q Mainly Chevron, you said?

14 A Yes.

15 Q What kind of barges were used to perform that work for
16 Chevron?

17 JUDGE SANDRON: Mr. Hilgenfeld?

18 MR. HILGENFELD: I mean, I think this is cumulative, Your
19 Honor. I don't think there's dispute that Foss has made
20 contract with Chevron and had the FDHs 3, 4, and 5 in LA Long
21 Beach area.

22 JUDGE SANDRON: All right. If he -- if we take that as a
23 stipulation, is that something to which the General Counsel
24 will agree?

25 MR. RIMBACH: Yes, Your Honor.



1 JUDGE SANDRON: All right. The stipulation is received,
2 and we don't need further testimony on that.

3 Q BY MR. RIMBACH: You mentioned that Paul Hendriks said
4 that Foss Maritime was selling its fuel barges to Centerline.
5 Do you know when that transfer took place?

6 MR. RIMBACH: If there's also no dispute, then I don't
7 need to ask these questions, but.

8 JUDGE SANDRON: Mr. Hilgenfeld, is that disputed?

9 MR. HILGENFELD: I don't think -- I don't think there's a
10 dispute that FDHs 3, 4, and 5 were delivered to Westoil or the
11 LA 301 pier on or around February 28, 2021.

12 JUDGE SANDRON: All right. Will you so stipulate?

13 MR. HILGENFELD: Yeah. They were delivered to 30- -- LA
14 301 on February 28th --

15 JUDGE SANDRON: All right.

16 MR. HILGENFELD: -- from Foss.

17 JUDGE SANDRON: Mr. Rimbach, do you so stipulate?

18 MR. RIMBACH: Yes, but they were not delivered to Westoil.

19 MR. HILGENFELD: That's correct. I misspoke. They were
20 delivered to Berth LA 301.

21 JUDGE SANDRON: All right. With that clarification, does
22 General Counsel stipulate as well?

23 MR. RIMBACH: Yes. Thank you.

24 JUDGE SANDRON: All right. The stipulation is received.

25 Q BY MR. RIMBACH: Now, just a few questions about your

1 current employment. Where is your current job based out of?

2 The location?

3 A The offices at LA 301.

4 Q Is that LA Berth 301?

5 A Yes.

6 Q Do you know what companies operate out of that location?

7 A Leo Marine and Westoil Marine.

8 JUDGE SANDRON: Are those the only two that operate out of
9 that particular --

10 THE WITNESS: Dock.

11 JUDGE SANDRON: -- is it dock?

12 THE WITNESS: That I'm aware of, yes.

13 Q BY MR. RIMBACH: And did your job duties remain the same
14 or were they different from your previous job at Foss Maritime?

15 A The same.

16 Q Who is your supervisor at present?

17 A Brian Vartan.

18 Q Have you --

19 MR. HILGENFELD: I'm sorry.

20 JUDGE SANDRON: Yes?

21 MR. HILGENFELD: I -- I just didn't hear the answer.

22 THE WITNESS: Brian Vartan.

23 MR. HILGENFELD: Thank you.

24 Q BY MR. RIMBACH: Have you been assigned to work in the San
25 Francisco Bay Area since you've been employed by Leo Marine

1 Services?

2 A No.

3 Q Do you know of any other Leo Marine Services employees who
4 have been assigned shifts in the San Francisco Bay Area?

5 A Not to my knowledge.

6 Q Have you ever worked alongside any Leo Marine Services
7 employees in the Los Angeles and Long Beach Harbors who are
8 based in the San Francisco Bay Area to your knowledge?

9 A Not to my knowledge, no.

10 Q Have you ever met any Leo Marine Services employees who
11 are based in the San Francisco Bay Area as their home port?

12 A Not to my knowledge, no.

13 Q Are you aware of any employees from Leo Marine in Los
14 Angeles and Long Beach Harbors that have been transferred to
15 the San Francisco Bay Area?

16 A Not to my knowledge, no.

17 Q Are you aware of any employees from Leo Marine in the San
18 Francisco Bay Area who have been transferred to the Los Angeles
19 and Long Beach Harbors to your knowledge?

20 A No.

21 Q Do you know who Bowman Harvey is?

22 A No.

23 MR. RIMBACH: Your Honor, I have no further questions.

24 JUDGE SANDRON: Any -- Mr. Wojciechowski, do you have any
25 questions of the witness?

1 MR. WOJCIECHOWSKI: Not necessarily. I have a document
2 that -- well, I'll just -- I'll just tell you what it is, Mr.
3 Hilgenfeld and General Counsel, and maybe you can tell me if we
4 might want to stipulate. It's -- it's the same job posting
5 that is GC-18. It's just printed by me February 27, '21. And
6 so it -- it actually has the heading that I think Mr. -- I'm
7 sorry -- [Pin-e-zick]?

8 THE WITNESS: Yeah, Pieniazek. Yeah.

9 MR. WOJCIECHOWSKI: Pieniazek. Thank you. I should be
10 sympathetic. That -- so that he testified is what -- maybe
11 closer to what he viewed. And I think it is otherwise
12 identical, so I think it might assist the record. So if
13 that -- I can upload it to the SharePoint. Perhaps people can
14 take a look at it. And if there's maybe a stipulation on that
15 document, I don't need to necessarily go through it with the
16 witness.

17 JUDGE SANDRON: All right. Go ahead. I mean, that
18 might -- might be advisable to have a version that he actually
19 saw.

20 MR. WOJCIECHOWSKI: Yeah. And I don't know if it'll
21 guarantee that it's the version because it's still a month
22 later but hopefully closer.

23 JUDGE SANDRON: All right. We will put a --

24 MR. WOJCIECHOWSKI: I just put that on the SharePoint now
25 in the MMP folder.

1 JUDGE SANDRON: All right. Thank you. I think this would
2 be -- I think because we have two labor organizations, we can
3 make it marked as MMP Exhibit 1 for identification.

4 MR. WOJCIECHOWSKI: That's -- that is precisely what I've
5 done.

6 MR. HILGENFELD: Jason, the Respondents would be able --
7 we would stipulate to the authenticity.

8 JUDGE SANDRON: Do you want to just pull it up so we
9 can -- can see it, and then we'll consider it to be stipulated?

10 MR. WOJCIECHOWSKI: Sure. I -- I wonder if I can rely on
11 the courtroom deputy for that because I -- my device is --

12 MR. RIMBACH: I can display it for you.

13 MR. WOJCIECHOWSKI: Okay. I -- thank you.

14 JUDGE SANDRON: Well, I think we could --

15 MR. WOJCIECHOWSKI: And so -- so the date in the top-left
16 corner -- and again, I'll represent that I printed this. It's
17 paginated on the bottom-right, and it's marked for
18 identification on the bottom.

19 JUDGE SANDRON: I understand there's no objection to the
20 document, so it is received.

21 **(MMP Exhibit Number 1 Received into Evidence)**

22 MR. WOJCIECHOWSKI: And with that, then I have no
23 questions for the witness. Thank you, everybody.

24 JUDGE SANDRON: Mr. Iglitzin, do you have any questions of
25 the witness?

1 MR. IGLITZIN: I do not. Thank you.

2 JUDGE SANDRON: Okay. I think, then, we're ready for
3 cross-examination.

4 Do you want to give Mr. Hilgenfeld the affidavit or
5 affidavits that the witness furnished to the Board?

6 MR. RIMBACH: Yes, Your Honor. There is one affidavit
7 consisting of nine pages, as well as a company exhibit. I can
8 email those right now, Your Honor.

9 JUDGE SANDRON: What's the date on the affidavit?

10 MR. RIMBACH: March 28, 2021. Again, there are very
11 limited redactions to the names of employees who engaged in
12 potentially protected activity that was not relevant to Mr.
13 Pieniazek's testimony.

14 JUDGE SANDRON: All right. It's 12:44 Pacific. Why don't
15 we go off the record then till 1 p.m.? (Indiscernible,
16 simultaneous speech) -

17 MR. HILGENFELD: Your Honor, I'm going to need lunch. And
18 I didn't get a lunch yesterday, so can we --

19 JUDGE SANDRON: Oh, all right. Well, we can go -- do you
20 want to take a half hour? Would that --

21 MR. HILGENFELD: Can we go to 1:30, Your Honor? So 45
22 minutes.

23 JUDGE SANDRON: All right. We can go to about 1:30 your
24 time. That would be 4:30. So that would give us one more hour
25 when we go back on the record before we adjourn for the day.

1 All right. We will then go off the record till 1:30 Pacific
2 time. Have a good lunch hour.

3 MR. HILGENFELD: Thank you, Your Honor.

4 MR. RIMBACH: Thank you, Your Honor.

5 JUDGE SANDRON: Off the record.

6 (Off the record at 12:44 p.m.)

7 JUDGE SANDRON: Cross-examination?

8 MR. HILGENFELD: Yes. Thank you, Your Honor.

9 **CROSS-EXAMINATION**

10 Q BY MR. HILGENFELD: Is it Mr. [Pee-nah-zik]?

11 A [Pa-nay-zik].

12 Q [Pa-nay-zik]. Okay, I apologize. Mr. Pieniazek, you
13 talked about a statement made by Paul Hendriks at a Foss
14 meeting in or around January/February of 2021. Do you recall
15 that testimony?

16 A Are you referring to the phone call at the end of
17 December?

18 Q I believe it was a meeting. Or was it a Zoom meeting or
19 phone call meeting?

20 A There was a phone call at the end of December.

21 Q Okay. Thank you. And I think you stated something about
22 Mr. Hendriks about his belief about Centerline's position?

23 A As far as taking the equipment and employees over from
24 Foss?

25 Q Correct.



- 1 A Yes.
- 2 Q And was that in the phone call?
- 3 A Yes.
- 4 Q And Mr. Hendriks, what was his position at Foss?
- 5 A I believe he was a general manager at the time.
- 6 Q And was he the general manager of Southern California?
- 7 A I don't know the exact range of his title.
- 8 Q Do you know if he had any role with Saltchuk?
- 9 A If he did, I'm not sure of what it was.
- 10 Q Did you have an understanding that Saltchuk was the parent
11 company of Foss?
- 12 A Yes.
- 13 Q Did you have an understanding that Saltchuk and Centerline
14 were the ones that exchanged assets?
- 15 A At that point, I -- I don't know who was giving who what.
- 16 Q Do you have any reason to believe that Mr. Hendriks was
17 involved in any communications directly with Centerline?
- 18 MR. RIMBACH: Objection. Calls for speculation.
- 19 JUDGE SANDRON: Sustained.
- 20 MR. HILGENFELD: I'm just asking if he has any -- any -- I
21 guess, I'll rephrase.
- 22 Q BY MR. HILGENFELD: Do you have any knowledge of whether
23 Mr. Hendriks had any direct communications with Centerline?
- 24 A No, I do not have knowledge of that.
- 25 Q Thank you. When you submitted your application to -- for

1 the job with Leo Marine Services in January of 2021, did you
2 forget to include the names and references on your job
3 application?

4 A I did.

5 Q Did you ever revise your job application to include the
6 names and references?

7 A I made attempts but was unable to.

8 Q Did you ever email Ms. [Car-ta-gee-na] or Ms.
9 [Car-ta-hay-na] the names and references of the job
10 application?

11 A The references? No.

12 Q After January 29, 2021, did you ever email or call Ms.
13 Cartagena?

14 A After January 20?

15 Q After January 29th, 2021.

16 A I don't recall. I know I did make a couple of attempts to
17 reach out. I don't -- I'm unsure of the dates.

18 Q I'm going to -- do you have your sworn affidavit that you
19 took in this matter?

20 A I do have it. It's in the other room.

21 Q It's in the other room?

22 A Yeah.

23 MR. HILGENFELD: Do you mind, Your Honor, if we do the
24 same process that we've done previously?

25 JUDGE SANDRON: That's fine.

1 Q BY MR. HILGENFELD: Mr. Pieniazek, if you could go grab
2 that? We'll just take a moment.

3 A Okay. Okay.

4 Q Okay. Mr. Pieniazek, if you could turn your atten --
5 well, first off, just to clarify the record. Did you give --
6 is this the confidential witness statement that you gave to a
7 Board agent on or -- on or about March 25th, 2021?

8 A Yes.

9 Q And is your document nine pages?

10 A Yes.

11 Q And is your document -- were you -- did you sign this
12 under oath?

13 A Yes.

14 Q And was this signed by the Board agent, Ms. Sanam Yasseri?

15 A Yes.

16 Q Were you given an opportunity to review this statement,
17 making changes?

18 A Yes.

19 Q Mr. Pieniazek, I'd like to turn your attention to page 6.
20 And if you'd just read to yourself line 19.

21 A Yes.

22 Q Does that help refresh your recollection, reading that
23 first sentence of whether you'd contacted -- either emailed or
24 called Mr. -- Ms. Cartagena?

25 A Not necessarily, no. I don't recall if I did contact her

1 after this was taken.

2 Q So this was taken on March 28th. And so from at least
3 January 29th to March 28th, you had not contacted Ms.
4 Cartagena; is that correct?

5 A As far as I can remember. I -- I -- like I said, I know I
6 reached out a couple times, a couple phone calls alongside with
7 that email. And then I had been speaking to -- at that point,
8 it was close to around that time when I started talking to
9 Brian Vartan.

10 MR. RIMBACH: Okay. Could we pause for a second, Chris?
11 I just don't see the judge.

12 MR. HILGENFELD: Oh, thank you.

13 MR. RIMBACH: I'm not sure when he disappeared. Can we go
14 off the record please?

15 (Off the record at 1:37 p.m.)

16 JUDGE SANDRON: Back on --

17 MR. HILGENFELD: Thank you.

18 JUDGE SANDRON: We're back on the record. Do you want me
19 to repeat that, Ms. Court Reporter? We're -- we're back on the
20 record --

21 THE COURT REPORTER: No, sir. I got you.

22 JUDGE SANDRON: -- at this time. Okay, thank you.

23 **RESUMED CROSS-EXAMINATION**

24 Q BY MR. HILGENFELD: Mr. Pieniazek, when did you interview
25 with Mr. Vartan and Ms. Cartagena for the Leo Marine position?



1 A It was towards the end of Aug -- middle of August, I
2 think, of 2021.

3 Q And what do you recall Mr. Vartan saying during the
4 interview?

5 A I don't remember exactly. Just -- we were talking about
6 the position.

7 Q Did you understand the position was with Leo Marine?

8 JUDGE SANDRON: Or what was your understanding of whom the
9 position was, as best as you can recall, at the time?

10 THE WITNESS: Well, at that point, I don't really think I
11 was sure at that point who it was with or who the position
12 would be with.

13 Q BY MR. HILGENFELD: Do you recall Ms. Cartagena saying
14 anything during the interview?

15 A I couldn't tell you what she said, no. They just asked me
16 questions about my experience. And you know, where -- I think
17 she asked me where I saw myself in five years. Something like
18 that. It was pretty brief.

19 Q And approximately how long was the interview?

20 A I would probably say maybe five minutes.

21 Q And were you issue -- were you notified of an offer of
22 employment shortly after?

23 A Yes.

24 Q How did you receive notification of the offer?

25 A I don't recall. It was through email or --

1 Q I'm going to turn your attention to what's been marked as
2 Respondent's Exhibit 304. And this is a two-page letter dated
3 August 25th, 2021, signed -- not signed, but open blank for Mr.
4 Vartan. But it looks like -- is that your signature, Mr.
5 Pieniazek --

6 A Yes.

7 Q -- on page -- and then here is another statement in here
8 on page 3 about a hire date change on August 27th, 2021. Do
9 you see that?

10 A Yes.

11 Q Do you recall getting both of these documents from Leo
12 Marine?

13 A Yes.

14 MR. HILGENFELD: At this point, we would move to offer
15 Respondent's Exhibits 304.

16 JUDGE SANDRON: And -- and -- and just to clarify,
17 those -- that was by letter?

18 MR. HILGENFELD: I --

19 JUDGE SANDRON: By mail delivery or was it, like, online?
20 If you remember.

21 THE WITNESS: I do not recall.

22 JUDGE SANDRON: All right. Any objection?

23 MR. RIMBACH: No, Your Honor.

24 JUDGE SANDRON: The document is received.

25 **(Respondent Exhibit Number 304 Received into Evidence)**



1 MR. HILGENFELD: No further questions, Mr. Pieniazek.
2 Thank you for your time.

3 JUDGE SANDRON: Any redirect, Mr. Rimbach?

4 MR. RIMBACH: Yes, Your Honor. Just real quick.

5 **REDIRECT EXAMINATION**

6 Q BY MR. RIMBACH: During cross-examination, Mr. Hilgenfeld
7 stated that you applied for a job in January 2021 at Leo Marine
8 Services. I just want to clarify. Did you apply directly to
9 Leo Marine Services?

10 A No. It was through the Centerline Logistics website.

11 Q Did you know at that time that you were applying to a job
12 at Leo Marine Services?

13 A At that time, I did not.

14 MR. RIMBACH: No further questions, Your Honor. Thank
15 you, Mr. Pieniazek.

16 JUDGE SANDRON: All right. Any further questions from any
17 counsel?

18 MR. WOJCIECHOWSKI: Nothing from MMP. Thank you.

19 MR. IGLITZIN: Nothing from the IBU. Thank you.

20 JUDGE SANDRON: And Mr. Hilgenfeld?

21 MR. HILGENFELD: Nothing from -- nothing more from
22 Respondents. Thank you, Your Honor.

23 JUDGE SANDRON: Okay. Well, Mr. Pieniazek, thank you for
24 your time. I would just ask you to not discuss your testimony
25 today with any other witnesses until the trial is over.



1 THE WITNESS: Okay. No problem.

2 JUDGE SANDRON: All right. Have a good afternoon.

3 THE WITNESS: You do the same. Thank you.

4 JUDGE SANDRON: All right. So -- so we have about 45
5 minutes. I -- I'd like to possibly use the -- the time. I
6 don't know, do you have a witness at least, Mr. Rimbach or Ms.
7 Yasserri, that we can finish the direct at least today?

8 MR. RIMBACH: Our next witness will take longer than 45
9 minutes, Your Honor, but we're willing to start with his
10 testimony if you would like to.

11 JUDGE SANDRON: And I --

12 MR. RIMBACH: His testimony would be several hours, I
13 believe -- or a couple hours.

14 JUDGE SANDRON: All right. We -- we can -- we can start
15 with the testimony so we can make maximum use of our time
16 today.

17 MR. RIMBACH: Could I just have five minutes, please, to
18 let the witness know and to upload the documents that we'll
19 need to SharePoint?

20 JUDGE SANDRON: Yes. And I assume that you're -- you'll
21 request that the affidavit be destroyed?

22 MR. RIMBACH: Not at this time, Your Honor. Actually,
23 yes, please.

24 JUDGE SANDRON: Well, it's up to you.

25 MR. RIMBACH: Okay. Not at this time, but --

1 JUDGE SANDRON: All right, then. Counsel can --

2 MR. RIMBACH: -- I just (indiscernible, simultaneous
3 speech) that.

4 JUDGE SANDRON: All right. Then -- then counsel for the
5 Respondent can keep it at this point.

6 MR. RIMBACH: Oh, I -- I apologize. Actually, could --
7 could it please be permanently deleted at this time, as well
8 as -- Bristol's, if that hasn't already been done so?

9 JUDGE SANDRON: All right. I --

10 MR. RIMBACH: I'm sorry about that. Thank you.

11 JUDGE SANDRON: All right. Yeah. Based on what I said
12 yesterday, I -- I think that's appropriate. But Mr. Hilgenfeld
13 will be allowed to get another look at the affidavit if he
14 feels later that there's a reason why it -- it should be
15 necessary for his case.

16 MR. RIMBACH: Understood. And we can provide it again
17 if -- if --

18 JUDGE SANDRON: Yes.

19 MR. RIMBACH: -- necessary.

20 JUDGE SANDRON: Right. I would ask that it be provided
21 again depending on the circumstances.

22 All right. We'll go off the record for five minutes and
23 then we'll work until 5:30 Eastern, 2:30 Pacific.

24 MR. RIMBACH: Thank you, Your Honor.

25 JUDGE SANDRON: Okay. Five minutes off. Off the record.

1 (Off the record at 1:49 p.m.)

2 JUDGE SANDRON: The General Counsel has called Nick
3 Buzard.

4 Mr. Buzard, I am the presiding judge today. I'm Ira
5 Sandron, and I will swear you in. So if you'll raise your
6 right hand.

7 Whereupon,

8 **NICHOLAS BUZARD**

9 having been duly sworn, was called as a witness herein and was
10 examined and testified as follows:

11 JUDGE SANDRON: Could you please state and spell your full
12 and correct legal name and provide us with an address, either
13 work or residence.

14 THE WITNESS: Yeah. My name is Nick Buzard -- Nicholas
15 Buzard. N-I-C-H-O-L-A-S, B-U-Z-A-R-D. And my address is 3643
16 Centralia Street, C-E-N-T-R-A-L-I-A Street, in Lakewood,
17 California 90712.

18 JUDGE SANDRON: Okay. Thank you. Please proceed, Mr.
19 Rimbach.

20 MR. RIMBACH: Thank you, Your Honor.

21 **DIRECT EXAMINATION**

22 Q BY MR. RIMBACH: Good afternoon, Mr. Buzard.

23 A Good afternoon.

24 Q Are you familiar with a company called Westoil Marine
25 Services?



1 A Yes.

2 MR. RIMBACH: And my apologize -- my apologies, I meant to
3 note for the record that this witness' testimony is relevant to
4 paragraphs 3, 10, 11, 16, 17, 18, and 26 of the complaint.

5 JUDGE SANDRON: Could you go slower? 3, 10?

6 MR. RIMBACH: 11, 16 through 18, and 26, Your Honor.

7 JUDGE SANDRON: Okay. Thank you.

8 Q BY MR. RIMBACH: How are you familiar with Westoil Marine
9 Services?

10 A It's a tugboat and bunker barge company that I used to
11 work for.

12 Q When did you first start working for Westoil Marine
13 Services?

14 A April 2008, I believe.

15 Q Are you currently working for Westoil Marine Services?

16 A No, I am not.

17 Q When did you end your employment with Westoil Marine
18 Services?

19 A March 1st of last year.

20 Q What was your job title with Westoil Marine?

21 A Deckhand engineer.

22 Q What -- who was your employer after Westoil Marine
23 Services?

24 A It became Leo Marine Services.

25 Q About when did you start working for Leo Marine Services?



1 A My first day was March 6th of last year, I believe.

2 Q That'd be in 2021?

3 A Yes.

4 Q Now, my next questions are going to be about Westoil
5 Marine Services. Can you describe what type of work Westoil
6 Marine Services does as a tug and barge company?

7 A Yeah. We did ship escorts or ship assists into the harbor
8 and we also did bunker barge services to the ships, which is
9 essentially bringing a big barge full of fuel from a terminal
10 out to the ship and then offloading the fuel from the barge to
11 the ship.

12 Q Can you describe what a ship assist is? What type of work
13 is that exactly?

14 A Yeah. The -- when the ships come into harbor, you know,
15 they can't maneuver in such tight places, and they have to have
16 an assist tug attached to them just in case they have engine
17 failure or some kind of catastrophic incident. So the tugboats
18 attach a line to the ship and help turn them around, spin them
19 around in tight areas, push them to and from the dock, slow
20 them down, help them turn, that kind of thing.

21 Q And bunker barge work, can you describe that process from
22 start to finish just in general?

23 A Yeah. So we -- you know, the -- the barge starts off
24 empty with no -- no fuel in it. The tugboat makes up to it
25 with lines, you know, big, heavy, thick lines so it's rigidly

1 attached to the barge. And then the tug will maneuver the
2 barge off the dock and take it to a terminal. The barge crew
3 and the engineer will be up on the barge. They'll tie the
4 barge up to the terminal with lines. And then the tugboat
5 breaks out, gets its lines back. The barge gets loaded with
6 fuel from the terminal, and that could take anywhere from four
7 to, you know, 18 hours if not longer. And then the tug --
8 another tugboat will come, pick it up when they're done
9 loading. You know, they'll depart the terminal and then
10 they'll take it to a ship. And then they do the same process.
11 They -- the engineer and the barge crew get the barge alongside
12 the ship and then the ship's crew will take lines from the
13 barge. So it's attached to the ship. And then the duck
14 tugboat breaks out and goes on and does another job.

15 Q Okay. And when the bunker barge is moved by the tugs to a
16 ship, where are these ships located?

17 A They're all at L.A. Long Beach Harbor. Los Angeles and
18 Long Beach Harbor.

19 Q Are they at a berth or in the harbor itself, in the water?

20 A Sometimes they're at a berth, sometimes they're at an
21 anchor -- an anchorage inside the harbor. All the anchorages
22 are in Long Beach.

23 Q Do you know if Westoil Marine Services is related to any
24 other company?

25 A I believe they're a subsidiary of Centerline. In fact, I

1 know they're subsidiary to Centerline.

2 Q Do you know the address Westoil Marine Services is located
3 at?

4 A 1610 Barracuda Street in -- I'm not sure if it's San Pedro
5 or Terminal Island, California.

6 Q Is there a berth address affili -- associated with that
7 street address?

8 A Yeah. LA301 is the berth name.

9 Q Is Westoil Marine Services still operating as a company
10 today?

11 A Yes.

12 Q Who was your supervisor when you worked for Westoil Marine
13 Services?

14 A It was Michael Castagnola.

15 Q Do you know his job title?

16 JUDGE SANDRON: Could you -- do we have a spelling of
17 that?

18 MR. RIMBACH: Sure. Michael, the normal spelling. And
19 Castagnola, C-A-S-T-A-G-N-O-L-A.

20 Q BY MR. RIMBACH: Do you know Mr. Castagnola's job title?

21 A He was the port engineer.

22 Q Do you know who he reported to?

23 A I believe it was Doug Houghton.

24 Q Do you know what company Doug Houghton --

25 JUDGE SANDRON: Do we -- do we have that spelling? I -- I

1 think we have that spelling, don't we?

2 MR. RIMBACH: We do, Your Honor. I can spell it again if
3 you would like.

4 JUDGE SANDRON: Well, if it's in the record, that's fine.

5 Q BY MR. RIMBACH: Do you know what company Doug Houghton is
6 affiliated with?

7 A Westoil and Centerline.

8 Q Do you know his job title?

9 A He was the general manager for Southern California. I
10 think he recently got promoted and now he's vice president of
11 the west coast operations or something.

12 Q You said at the beginning of March 2021, you became a Leo
13 Marine Services employee. Was there any difference between the
14 type of work Leo Marine Services does compared with Westoil
15 Marine Services?

16 A No. We -- we don't do the ship assist anymore. But the
17 bunker barge is -- is all the same.

18 Q When you first became employed by Leo Marine Services, who
19 did you report to?

20 A Michael Castagnola.

21 Q When you're with -- now going back to Westoil Marine
22 Services. Sorry, I'm jumping back and forth. What was your
23 job title again with Westoil Marine?

24 A Deckhand engineer.

25 Q What were your job duties as a deckhand engineer?



1 A We maintained the tug, did all the maintenance, oil
2 changes, kept -- you know, did painting, chipping. As a
3 deckhand, you worked on barges, you know, assisting the
4 tankermen. I was mainly on the tug boats. So I was in charge
5 of the engine room. You know, like I said, keeping everything
6 running smoothly, doing all the routine maintenance. And then
7 when we were hooked up to ships, I would go out on deck and
8 handle all the lines and, you know, attach our line to the
9 ship. And then when we did barges, I would go out and throw up
10 all our lines to the barge crew, make the tug rigidly fast to
11 the barge. And then I would hop on the barge on the opposite
12 end and act as the captain's lookout, as his eyes because he
13 see on the other side.

14 Q When you were with Westoil Marine Services, did you do
15 both the bunker barge work as well as ship assist work?

16 A I'm sorry. Can you repeat that? You kind of broke up.

17 Q Sure. When you were with Westoil Marine, did you -- did
18 your work involve both the bunkering as well as the ship
19 assist?

20 A Yes.

21 Q And you primarily worked on the tug boats?

22 A Yes.

23 Q Was there anyone else working on the tug boats with you
24 when you were performing that work?

25 A It was me and a captain.

1 Q Was there ever anyone else?

2 A Sometimes if we had a -- there's certain barges that the
3 harbor requires you have a third man with on, so you have an
4 extra hand. And then also when tankers that had crude oil on
5 them would come into port, the harbor required a third
6 individual on the boat for safety. So when we moved those
7 barges or moved tankers that had product on them, we would have
8 a third person on the boat.

9 JUDGE SANDRON: And did that person have a title, the
10 third person?

11 THE WITNESS: Yeah. I believe they called him a ship
12 assist deckhand. But we always referred to him as a third man.
13 But I believe the correct title was a ship assist deckhand.

14 Q BY MR. RIMBACH: And that ship assist deckhand would also
15 perform work when barges were being moved as well, not just --

16 A Yeah.

17 Q -- ship assist?

18 A Yeah. So they would -- you know, if we were moving one of
19 the big barges and we had them, sometimes they would -- they
20 would end up getting on the barge, you know, when the crew
21 changed. But if they were on the tug, they would help make up
22 lines. And then when we brought the barge to a ship or
23 terminal, they would help with lines, act as an extra hand.

24 Q Now, when Westoil Marine Services was operating the
25 barges, what employees are actually working on the barges other

1 than the tug boats?

2 A There was Westoil Marine Service employees. There was a
3 tankerman and a deckhand on the barge. And they stayed on the
4 barge their whole shift for the most part.

5 Q Were there always at least one tankerman and one deckhand?

6 A Yes.

7 Q Was there ever anyone else?

8 A Just the third man would be when we had the bigger barges
9 we had to move.

10 Q When you were working for Westoil Marine Services, what
11 were your hours?

12 A It varied. When I first started, I was on call. So I
13 worked all hours of the day and night. You know, they would
14 just call and say hey, we need a guy this afternoon and I'd
15 come in. Towards the later part, I want to say for the next --
16 the last seven or eight years, I was on a schedule from 9 a.m.
17 to 9 p.m.

18 Q Do you recall your hourly rate of pay most recently with
19 Westoil Marine Services?

20 A I believe it was 37 and some change. I'm not sure of the
21 exact number.

22 Q I meant to ask you, for the ship assist work, how many tug
23 boats would be needed for ship assist work?

24 A It all depended. Normally, two. Sometimes three or four
25 depending how big the ship was. If it was just coming into

1 anchor, sometimes they would only require one. Sometimes if it
2 didn't have any product, it wouldn't require any. But going to
3 a berth, it's usually two or three. The big ones had four
4 sometimes.

5 Q And what about moving a bunker barge? How many tugs would
6 be required to do that type of work?

7 A It was usually one. Some of the bigger barges, when they
8 had a certain amount of fuel on them -- of bunker fuel, the
9 harbor required two boats. Sometimes if the conditions were
10 not favorable, we would -- you know, some of the captains would
11 ask for a second boat to help out. So one to two, depending.

12 Q And you testified that Westoil Marine Services was at 1610
13 Barracuda Way. Was that your work location?

14 A Yes. That's LA301.

15 Q Did your work location change when you became a Leo Marine
16 Services employee?

17 A No, it did not.

18 Q I'd like to show you what's marked as GC Exhibit 20 on
19 your screen.

20 A Okay.

21 Q Can you see this on your screen?

22 A Yes, I can.

23 Q Do you recognize this knot?

24 A Yeah. That's L.A. Long Beach Harbor.

25 Q Can you identify where the Westoil Marine Services

1 facility is located on this map?

2 A Yeah. It's where the red dot is.

3 Q And where is Long Beach Harbor?

4 A Long Beach Harbor pretty much starts from -- if you see
5 where it says Los Angeles Harbor Lighthouse, where the A --

6 Q Underneath --

7 A -- is.

8 Q -- the red dot?

9 A Yeah. Where the A starts, if you draw pretty much a line
10 to where the land starts. To the right of that is all Long
11 Beach and to the left is L.A.

12 Q When you say the A, are you talking about the A in Los
13 Angeles Harbor Lighthouse?

14 A Yes.

15 Q Okay.

16 A If you draw --

17 Q If you draw a line up from the A straight north, to the
18 right is generally Long Beach Harbor and to the left -- or the
19 west is Los Angeles Harbor?

20 A Yeah, for the most part. That's kind of the line that we
21 use.

22 MR. RIMBACH: I'd like to offer GC Exhibit 20 into
23 evidence.

24 JUDGE SANDRON: Any voir dire on -- on the document or
25 objections?

1 MR. HILGENFELD: Sure, Your Honor. Short voir dire.

2 JUDGE SANDRON: Go ahead.

3 **VOIR DIRE EXAMINATION**

4 Q BY MR. HILGENFELD: Mr. Buzard, did you -- did you look
5 this up on Google Maps?

6 A Did I look up this picture?

7 Q Correct.

8 A No. I actu -- I've looked it up before. But I didn't
9 look up now.

10 Q Did you print this picture?

11 A No.

12 JUDGE SANDRON: Well, maybe we can ask -- did the General
13 Counsel print this out on Google Maps?

14 MR. RIMBACH: Yes, Your Honor.

15 MR. HILGENFELD: And is this from Google Maps, then,
16 Thomas?

17 MR. RIMBACH: Yes.

18 MR. HILGENFELD: Okay. And so you -- you went in there
19 and put in 1610 Barracuda, which is the dot on here?

20 MR. RIMBACH: Yes. Your Honor, just for the record, I did
21 just search for the street address in Google Maps, and this is
22 just a printout from Google Maps taken on July 25th, 2022.

23 JUDGE SANDRON: Any objection?

24 MR. HILGENFELD: With that understanding, no.

25 JUDGE SANDRON: Okay. The document is received.



1 **(General Counsel Exhibit Number 20 Received into Evidence)**

2 MR. RIMBACH: Thank you.

3 **RESUMED DIRECT EXAMINATION**

4 Q BY MR. RIMBACH: I'd like to show you GC Exhibit 21. Just
5 for the record, it's a Google satellite image taken from Google
6 Maps again. Do you recognize this Google satellite image?

7 A Yes, I do.

8 Q What is this of?

9 A That's a satellite view of a L.A. Berth 301.

10 Q What companies are located at this facility?

11 A Right now, it's Westoil Marine Services, Leo Marine,
12 Centerline, and sometimes outside companies like Olympic Tug &
13 Barge. If their boats are in town, they'll use the facility.

14 JUDGE SANDRON: And that -- that's where the red dot is?

15 THE WITNESS: Yes. That's the office.

16 MR. RIMBACH: I can zoom in a little bit.

17 JUDGE SANDRON: I see.

18 Q BY MR. RIMBACH: It says Leo Marine. There's a gray
19 circle adjacent to the red circle. But then there's another
20 gray circle that says Westoil Marine Services. Is that the
21 correct location of where Westoil Marine Services is located?

22 A No. That's a parking space.

23 Q Where is Westoil Marine Services -- their office facility
24 located exactly?

25 A It's the red -- where the red dot is. Everything's out of



1 that office.

2 JUDGE SANDRON: Would -- would you know what the gray dot
3 by Leo Marine is? Because you say the one where it has the
4 Westoil Marine Services, the gray dot there is just parking.
5 So do you know what the gray dot for Leo Marine represents?

6 THE WITNESS: No. It looks like it's the back corner
7 of -- of the office. That would be like the lunch room of the
8 office.

9 JUDGE SANDRON: Now, this is what is printed out by the
10 satellite view? There's been nothing added to the --

11 MR. RIMBACH: No, Your Honor.

12 JUDGE SANDRON: -- satellite view?

13 MR. RIMBACH: I did not add the --

14 JUDGE SANDRON: Except the red dot. Well, was the red
15 dot -- you -- did you put that in?

16 MR. RIMBACH: I'm sorry. I can explain. I searched
17 for --

18 JUDGE SANDRON: Yeah. Why don't you explain these.

19 MR. RIMBACH: Yes, Your Honor. I searched for 1610 --

20 JUDGE SANDRON: Right.

21 MR. RIMBACH: -- Barracuda Street in Google Maps.

22 JUDGE SANDRON: Right.

23 MR. RIMBACH: And then pulled up the satellite version of
24 that image.

25 JUDGE SANDRON: Right.

1 MR. RIMBACH: But I did not add any of these identifying
2 circles. That was just all there as part of Google Maps --

3 JUDGE SANDRON: I see.

4 MR. RIMBACH: -- mapping system.

5 JUDGE SANDRON: Okay. So that -- that was on it as it
6 came out in -- off --

7 MR. RIMBACH: Yes, Your Honor.

8 JUDGE SANDRON: All right. So the witness is explaining
9 where the location of the offices was.

10 MR. RIMBACH: Yes.

11 Q BY MR. RIMBACH: So this gray building here, it -- sorry.
12 Is that a building?

13 A Yes. That's the office building.

14 Q And just to be clear, that's the office location for both
15 Leo Marine, Westoil Marine, as well as Centerline?

16 A Yes.

17 Q Okay. How did you sign into work when you were employed
18 by Westoil Marine Services?

19 A We had, like, a finger scanner, clock in, clock out
20 system.

21 Q And can you identify on this map where that clock in
22 system was?

23 A Yeah. If you look just below the red dot, you'll see
24 three, like, black dots.

25 Q Okay.

1 A Yeah. Right there. There was a --

2 Q (Indiscernible, simultaneous speech) --

3 A -- that's like an overhang, like a balcony or a porch.

4 And then the clock out system is inside of that.

5 JUDGE SANDRON: And are those barges on the bottom part of
6 the picture?

7 THE WITNESS: Yes, they are.

8 Q BY MR. RIMBACH: When you became a Leo Marine Services
9 employee, did -- the location where you clocked in, did it
10 change?

11 A No. It's the same clock in system and area.

12 Q Now, this gray office building where the red dot is
13 pointed at or is over, can you describe that building?

14 A Yeah. It's a -- you know, it's a -- I'd say there's 15 or
15 20 offices. That's where the dispatch is. All of the office
16 employees work out of there. There's a lunch room, like, a
17 cafeteria.

18 JUDGE SANDRON: And that -- that dispatch office, that is
19 for which employees?

20 THE WITNESS: Westoil and Leo Marine.

21 JUDGE SANDRON: Did you have more to add about the
22 building?

23 MR. RIMBACH: Yes, Your Honor.

24 Q BY MR. RIMBACH: Can you des --

25 JUDGE SANDRON: No. I'm asking the -- the witness. I

1 think you had asked him what was in the building. So I didn't
2 want to interrupt. Do you have more?

3 THE WITNESS: Not really. It -- it's just, like I said,
4 some office cubicles, the kitchen area, the dispatch. You
5 know, it's where all the office employees work out of.

6 Q BY MR. RIMBACH: When you go inside, are there specific
7 sectioned off areas for any particular company?

8 A I'm sorry. Can you repeat that?

9 Q Sure. When you go into the office, is there any
10 differentiation between where Westoil, Centerline, and Leo
11 Marine Services employees work?

12 A No.

13 Q Now, I want to direct you're attention to the tan
14 square -- the tan rectangle that's adjacent to the office
15 building to the right. Do you see that?

16 A Yes, I do.

17 Q Do you know what that is?

18 A Yeah. That was a -- like, a -- one of those tents that
19 you can put up and take down. It was set up for barbeques and
20 functions that they would have. They -- you know, that's where
21 everybody would sit and get out of the sun.

22 Q Do you know --

23 JUDGE SANDRON: Is that -- is that permanent or is that
24 just temporary?

25 THE WITNESS: It was temporary. It was up for a while,

1 but it was -- it's a temporary tent.

2 JUDGE SANDRON: So is it -- is it there now?

3 THE WITNESS: No. They ended up taking it down because
4 the -- the wind started ruining it. So they took it down and
5 only put it up when they have barbeques or --

6 JUDGE SANDRON: I see.

7 THE WITNESS: -- events or --

8 JUDGE SANDRON: I see. So it's -- it's put up as needed?

9 THE WITNESS: Yes.

10 Q BY MR. RIMBACH: Do you know what companies used that
11 tent?

12 A All of them. Westoil. I'm not sure -- it was -- it's --
13 if it's been up since Leo started. But it was -- it's pretty
14 much used by everybody when it's up.

15 Q Now directing your attention to this second tan rectangle
16 on the west side of the birch -- berth.

17 A Okay.

18 Q I'm highlighting it. Do you recognize what this rectangle
19 is?

20 A Yeah. That's a -- the same kind of tent. It's a little
21 bit more permanent. It -- and it's got all the -- you know,
22 that's where we get all of our supplies, extra parts, and
23 there's spare tires, generators, and you know, that's pretty
24 much the sp -- spare parts and filters, hoses and all that kind
25 of stuff that we need.

1 Q What companies use this equipment and supplies tent?

2 A All of them.

3 Q Just for the record, when you say all of them, you're
4 referring to Leo Marine, Westoil Marine, and Centerline?

5 A Yes.

6 Q Is there any differentiation with respect to which of
7 those entities these supplies, and equipment belong to?

8 A No.

9 Q When you use supplies and equipment from this tent, is
10 that documented in any way?

11 A Yeah. Most of the time, it -- you know, we have a -- it's
12 called a bi -- bimonthly consumable form that we fill out. And
13 then we send it to the office. I don't recall the email that
14 we send it to. But then it got sent to the -- the supply
15 gentleman and he would get everything you ordered. And then he
16 would take it down to the other end of the dock and put it down
17 there so you could grab it and take it. But there is times
18 where, you know, you need something that you didn't put on
19 there and you'd go up and ask them to grab it and he -- you
20 know, he gets it for you.

21 Q In your experience at Westoil Marine and Leo Marine, if
22 you took a supply or equipment out from this area, did you
23 document what company that was used for?

24 A No.

25 Q Who is the supply requisition guy that you're referring

1 to?

2 A His name is Brent Ralph.

3 Q For the record, that's B-R-E-N-T, last name R-A-L-P-H. Is

4 that right?

5 A Yes, I believe so.

6 Q Do you know who Mr. Ralph works for?

7 A I believe it's Centerline.

8 Q Now going back to this gray building here with the red

9 dot, are there any signs outside indicating what companies are

10 based there?

11 A Yeah. I mean, outside --

12 Q On the building itself.

13 A -- the building?

14 Q I'm sorry. On the building --

15 A Oh, on the -- on the building, I -- I -- the -- there's

16 glass doors underneath where the -- that -- those three dots

17 are where we clock in. Like, it says Centerline and there's a

18 lion logo. That's the logo for Centerline. You know, like,

19 etched on the glass doors.

20 Q Do those doors reference Leo Marine Services?

21 A I don't believe so. I think it just says Centerline.

22 Q So it also does not say Westoil Marine Services?

23 A No.

24 Q Okay. Are there any flags that are on this building?

25 A Yes.

1 Q Do you recall what flags?

2 A There's an American flag, a Centerline flag, and I don't
3 recall if there's another one. I think there's one more, but I
4 don't recall what it is.

5 Q Now going to the left-hand corner --

6 JUDGE SANDRON: Well, I think this -- we'll have to end
7 pretty soon. So if you want to ask him a couple last
8 questions, we'll resume tomorrow morning. Tomorrow afternoon,
9 I should say.

10 MR. RIMBACH: Sure. My next line of questions regarding
11 the barges in this bottom left corner may take a while. So
12 maybe it makes sense to end now -- now, Your Honor.

13 JUDGE SANDRON: Oh, all right. That would seem
14 reasonable.

15 Mr. Buzard, you're going to be continuing with your
16 testimony tomorrow. We're going to resume at 9 a.m. Pacific
17 time. So please don't discuss your testimony with any other
18 witnesses tonight before you resume your testimony. All right?

19 THE WITNESS: Okay.

20 JUDGE SANDRON: Okay. Well, we'll see you tomorrow, then.

21 THE WITNESS: Okay, 9 a.m. You got it. Thanks.

22 JUDGE SANDRON: And so -- all right, then. Thank you, Mr.
23 Tannenbaum for serving as the courtroom deputy today. Your
24 assistance is greatly appreciated.

25 So we stand adjourned then until tomorrow at 9 Pacific.

1 Everybody have a good afternoon and evening.

2 THE WITNESS: Thank you, now.

3 MS. YASSERI: Thank you, Your Honor.

4 **(Whereupon, the hearing in the above-entitled matter was**
5 **recessed at 2:27 p.m. until Thursday, August 11, 2022, at 9:00**
6 **a.m.)**

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C E R T I F I C A T I O N

This is to certify that the attached proceedings, via Zoom videoconference, before the National Labor Relations Board (NLRB), Region 21, Case Numbers 19-CA-273208, 19-CA-273220, 19-CA-273226, 19-CA-273928, 19-CA-273985, 19-CA-273771, 19-CB-273986, 21-CA-273926, Leo Marine Services, Inc., Olympic Tug & Barge, Inc., and Centerline Logistics Corporation and Olympic Tug & Barge, Inc. and Centerline Logistics Corporation and Leo Marine Services, Inc. and Centerline Logistics Corporation, Westoil Marine Services, Inc., and Harley Marine Financing, LLC and Inlandboatmen's Union of the Pacific Centerline Logistics Corporation, Leo Marine Services, Inc., and Olympic Tug & Barge, Inc. and International Organization of Masters, Mates & Pilots, AFL-CIO, held at the National Labor Relations Board, Region 21, National Labor Relations Board,, 312 North Spring Street, Tenth Floor, Los Angeles, California 90012, on August 10, 2022, at 9:09 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.



JACQUELINE DENLINGER

Official Reporter



OFFICIAL REPORT OF PROCEEDINGS
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
REGION 21

In the Matter of:

Leo Marine Services, Inc., Case Nos. 19-CA-273208
Olympic Tug & Barge, Inc., and
Centerline Logistics
Corporation,

and

Olympic Tug & Barge, Inc., 19-CA-273220

and

Centerline Logistics 19-CA-273226
Corporation, 19-CA-273928

and

Leo Marine Services, Inc., 19-CA-273985

and

Centerline Logistics 19-CA-273771
Corporation, Westoil Marine
Services, Inc., and Harley
Marine Financing, LLC,

and

Seafarers International Union, 19-CB-273986

and

Inlandboatmen's Union of the
Pacific,

and



Centerline Logistics
Corporation, Leo Marine
Services, Inc., and Olympic Tug
& Barge, Inc.,

21-CA-273926

,

and

International Organization of
Masters, Mates & Pilots, AFL-
CIO,

.

Place: Los Angeles, California (via Zoom videoconference)

Dates: August 11, 2022

Pages: 486 through 666

Volume: 5

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(602) 263-0885



UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 21

In the Matter of:

LEO MARINE SERVICES, INC.,
 OLYMPIC TUG & BARGE, INC., AND
 CENTERLINE LOGISTICS
 CORPORATION,

Case Nos. 19-CA-273208

and

OLYMPIC TUG & BARGE, INC.,

19-CA-273220

and

CENTERLINE LOGISTICS
 CORPORATION,

19-CA-273226

19-CA-273928

and

LEO MARINE SERVICES, INC.,

19-CA-273985

and

CENTERLINE LOGISTICS
 CORPORATION, WESTOIL MARINE
 SERVICES, INC., AND HARLEY
 MARINE FINANCING, LLC,

19-CA-273771

and

SEAFARERS INTERNATIONAL UNION,

19-CB-273986

and

INLANDBOATMEN'S UNION OF THE
 PACIFIC,

and



CENTERLINE LOGISTICS
CORPORATION, LEO MARINE
SERVICES, INC., AND
OLYMPIC TUG & BARGE, INC.,

21-CA-273926

and

INTERNATIONAL ORGANIZATION OF
MASTERS, MATES & PILOTS, AFL-
CIO,

The above-entitled matter came on for hearing via Zoom
videoconference, pursuant to notice, before **IRA SANDRON**,
Administrative Law Judge, at the National Labor Relations
Board, Region 21, 312 North Spring Street, Tenth Floor, Los
Angeles, California 90012, on **Thursday, August 11, 2022, 9:09
a.m.**

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Nicholas Buzard

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E X H I B I T SEXHIBITIDENTIFIEDIN EVIDENCE**General Counsel:**

GC-21		514
GC-22	514	522
GC-23	562	563
GC-24	572	575
GC-25	588	588
GC-26	599	600
GC-27	600	602
GC-157	571	572

Respondent:

R-305	624	
R-306	613	616

1 P R O C E E D I N G S

2 JUDGE SANDRON: The court -- courtroom deputy is again
3 Brian DiCrocco.

4 One thing I will say is I have some eye issues, and
5 looking at -- you know, I may have trouble looking at the
6 screens. If I do, then we'll have to take a recess. Hope --
7 hopefully, I'll be able to get through it without any problems,
8 but if I have difficulty seeing the screens, we'll -- we'll
9 have to go off the record.

10 Okay, I think we're ready for the continuation of direct
11 examination.

12 Mr. Buzard, did I pronounce it right, or [BOO-zard]?

13 THE WITNESS: [bu-ZARD], but --

14 JUDGE SANDRON: [bu-ZARD].

15 THE WITNESS: -- I've been called Buzard for years.

16 JUDGE SANDRON: Okay, well buz --

17 THE WITNESS: No.

18 JUDGE SANDRON: -- [bu-ZARD], okay, yeah,

19 Okay, I think we're ready, Ms. Yasseri, or was it -- was
20 it Mr. Rimbach?

21 MR. RIMBACH: Yes, Your Honor. It will be me continuing
22 the questions, Your Honor.

23 JUDGE SANDRON: Okay, please -- please proceed.

24 MR. RIMBACH: Thank you, and if any party needs me to zoom
25 in onto an exhibit I'm sharing, please just let me know. I'm

1 happy to try to make every -- anything clearer or larger.

2 JUDGE SANDRON: Okay, so you pulled up General --

3 MR. RIMBACH: Yes --

4 JUDGE SANDRON: -- Counsel's --

5 MR. RIMBACH: -- I'm pulling up --

6 JUDGE SANDRON: -- Exhibit 21?

7 MR. RIMBACH: Yes, Your Honor. This is GC Exhibit 21
8 where we left off yesterday afternoon.

9 **RESUMED DIRECT EXAMINATION**

10 Q BY MR. RIMBACH: Good morning, Mr. Buzard.

11 A Good morning.

12 Q Thank you for returning this morning.

13 A Oh, no problem.

14 Q We left off yesterday with GC Exhibit 21, which is a
15 Google satellite image of the 1610 Barracuda Street, also known
16 as the LA Berth 301 facility. I'd like to direct your
17 attention to the bottom-left corner of this image, which is the
18 southwest side of the berth, I believe; is that right?

19 A Where the cursor is?

20 Q Yes.

21 A Oh. Yeah. Yeah, that's the west end -- northwest end --
22 sorry, southwest end. You're right. You're correct.

23 Q Okay. I'm not great with directions so just correct me if
24 I making a mistake.

25 A No, you were correct.



1 Q Do you see these four vessels down here --

2 A Yes.

3 Q -- at the corner?

4 A Yes, I do.

5 Q What are those?

6 A Those are the bunker barges that we move around. Those
7 are what carry the fuel to the -- the ships.

8 Q Looking at this image here, are you able to tell whether
9 these bunker barges are associated with any particular company?

10 A The only one is the -- the one furthest to the west that's
11 alongside the dock, the bigger one. That's a Westoil barge,
12 and the other ones, I can't tell.

13 Q How do you know this larger one is a Westoil Marine barge?

14 A That's the only what we -- that's the one that is
15 dedicated to West -- or the Westoil barge, and it's bigger than
16 all the other ones. All the other ones look roughly the same.
17 You know, they're the same design and -- and builder. That one
18 is a bigger barge. That's one of the ones that has to have
19 the -- the third man on it because it carries a certain amount
20 of fuel, and it's just laid out a little bit different, so I
21 can tell by the layout.

22 Q So the other barges, they could be either Leo Marine or
23 Westoil Marine? You just don't know at this time?

24 A Well, those ones -- all the other ones right now are at
25 Leo Marine. Yeah, the other -- it looks like the other ones

1 are all Leo Marine barges.

2 Q Okay. Now, I'd like to zoom out just a little bit, and
3 are these locations on the south side of the berth, are these
4 parking spots for the barges?

5 A Yes.

6 Q Can you describe to me how many parking spots there are
7 for the barges here in total?

8 A There's three that you can -- we call dockside, which is
9 the -- the inside barges are -- you know, they're alongside the
10 dock, so we call those, you know, dockside barges. So there's
11 three spots. You can fit three of our barges alongside the
12 dock, and then you can stack them. Like, see how there's two
13 stacked on the west end? You can go three-wide all the way
14 down, so you can fit a total of nine barges.

15 Q And what location is the western-most parking spot, for
16 lack of a better word, referred to as?

17 A That's call -- that's considered the west end dock site.

18 Q Okay. What about the middle parking section?

19 A Oh, that's considered center dockside.

20 Q And would this empty space here be the other parking spot?

21 A Yes, that's east end dockside.

22 Q Are any of these parking locations specifically designated
23 for either Westoil Marine or Leo Marine?

24 A No, it's kind of first come, first serve where they need
25 them. Sometimes certain barges have to be dockside to do

1 maintenance or crane stuff on, so you got to rearrange some of
2 the barges, so it's just -- we kind of just put them where the
3 dispatch tells us they need them.

4 Q And why would a barge be attached to another barge, such
5 as in this satellite image?

6 A Just because we don't have enough dock space to fit them
7 all alongside the dock, and we're allowed to stack them per the
8 harbor, three-wide, you know, three outside of each other, so
9 it's just to save space. We don't have enough parking spots,
10 so we stack them on top of each other.

11 Q In this image here, there's two barges attached to each
12 other, but there could be up to three; is that right?

13 A Yes, there could be one -- one more on each -- on -- on
14 the outside of each one of those.

15 Q Are there any rules with respect to whether a Leo Marine
16 barge can be connected to a Westoil Marine barge?

17 A No.

18 Q And can you explain how often does that occur that a Leo
19 Marine barge would be connected to a Westoil Marine barge side
20 by side like this?

21 A For the most part, every day. You know, seeing as Westoil
22 only has one barge, if -- if there's a lot of barges at the
23 dock, either the Westoil barge is going to be connected to a
24 Leo barge or the Leo barge is going to be connected to the
25 Westoil barge.

1 Q Is there any interaction between Westoil Marine employees
2 and Leo Marine employees when the barges are parked in this
3 manner?

4 A Yeah, sometimes. You know, sometimes the -- the barge
5 crews -- you know, if -- if we're coming in and there's a barge
6 crew on the Leo barge that we're tying up alongside, they'll
7 come out and catch our lines for us. You know, they'll --
8 we'll throw it up to them and they'll put it around the cleat,
9 help us tie up, and vice versa. If Leo's coming in sometimes
10 the Westoil guys will catch Leo's lines.

11 JUDGE SANDRON: About how often does it happen, say, in an
12 average week?

13 THE WITNESS: Shoot, it's hard to say. I say 15, 20
14 times, depending on if it's busy or not and how many barges are
15 working. Depending, it -- I'd say 15, 20 if not more in a week
16 or so.

17 JUDGE SANDRON: Okay, and can you tell us what kind of
18 interior actions are there, you know, on those occasions gen --
19 you know, generally.

20 THE WITNESS: Usually, it's -- you know, with the guys
21 coming out just catching the lines. They might, you know, as
22 we're tying up, you know, talk amongst themselves. You know, a
23 lot of the guys know each other, so --

24 JUDGE SANDRON: Is --

25 THE WITNESS: -- they'll talk about personal things, or.

1 JUDGE SANDRON: Is there ever any assistance in terms of
2 the work by Westoil to Leo Marine and vice versa?

3 THE WITNESS: It -- other than catching the lines, not
4 really.

5 JUDGE SANDRON: Well, what --

6 THE WITNESS: Sometimes, like -- sometimes they'll be,
7 like, the barges have porta potties on them, you know, for
8 bathrooms, and we have clean ones alongside the dock, so if a
9 Westoil barge is outside of a Leo barge, sometimes the Leo guys
10 will lift the porta potty up with a crane and help assist it
11 and get it onto the Westoil barge.

12 JUDGE SANDRON: And what is catching lines? Can you
13 brief -- briefly describe what that is?

14 THE WITNESS: So we -- you know, sometimes the -- the
15 barge that you're tying up to is empty and the barge that
16 you're on or the -- you know, say the Westoil barge is loaded
17 with fuel and the Leo barge is empty and you're coming
18 alongside the Leo barge, you know, the barge is 25 feet in the
19 air, and the other barge that is loaded might be 8 feet off the
20 water, so you know, usually the guys on the Leo barge will
21 throw down a small line, and then the -- the Westoil barge guys
22 will tie it off to their big heavy lines, and then the Leo guys
23 will lift it up, put it around the cleat, and then the -- the
24 barge that's loaded will tie it off, and then they go onto the
25 next line.

1 JUDGE SANDRON: And does that --

2 THE WITNESS: (Indiscernible, simultaneous speech) --

3 JUDGE SANDRON: -- happen the other way around also?

4 THE WITNESS: Yes.

5 JUDGE SANDRON: Thank you.

6 THE WITNESS: Yeah, depending on what barge is loaded or
7 empty.

8 Q BY MR. RIMBACH: How long does that process take on
9 average?

10 A Anywhere from 15 to -- minutes to a half hour.

11 Q I just scrolled to the east side of the berth.

12 A Uh-huh.

13 Q There appears to be three smaller boats tied to the dock
14 here. Do you see those boats?

15 A Yes, I do.

16 Q What are these?

17 A Those are the tugboats.

18 Q Do you know who these tugboats are operated by with
19 respect to which company or companies?

20 A Well, those -- this picture, I think, was taken a while
21 back, so those are Westoil tugboats. We don't currently have
22 those boats anymore, but those -- those actual boats are --
23 were operated by Westoil.

24 Q And currently, are there tugboats at these same locations,
25 just different ones?

- 1 A Yes.
- 2 Q And who operates those tugboats?
- 3 A There's a Westoil Marine tug, and then there's two Leo
4 Marine tugs.
- 5 Q How many parking spots are there in total for these tugs?
- 6 A Right now, we've got four -- four spots the way we tie up
7 the tugboats.
- 8 Q Is the fourth spot located on this map somewhere?
- 9 A Well, we -- the -- the tugboats we have are bowed in like
10 the -- the tugboat facing north to south. Yeah, that one.
- 11 Q Okay --
- 12 A So we can --
- 13 Q -- (indiscernible, simultaneous speech) --
- 14 A -- fit three of them. Yeah, so the -- the tugboats we
15 have now are considered push boats, so they -- they bow in just
16 like that one, so we can fit three on that dock, and then one
17 on the dock to the west.
- 18 Q So the middle tugboat here, there's room for two more to
19 be placed -- parked alongside it vertically --
- 20 A Yes --
- 21 Q -- is my understanding right?
- 22 A -- and then one -- you could fit one more on the west
23 side.
- 24 Q On the west side where this tugboat is currently placed?
- 25 A Yeah.

1 Q Okay. Are any of these parking spots for the tugboats
2 designated for either Westoil or Leo Marine?

3 A No, they are not.

4 Q How do the tugboat operators determine where to park these
5 tugboats?

6 A Just whatever spot's open. You know, if the whole dock's
7 open, usually the guys try to get the closest one so they
8 could -- don't have to walk as far to get off the boat.

9 Q I think I would do the same. What barges do the Westoil
10 tugboats work with?

11 A All of them. We -- we move the Westoil barges and the Leo
12 Marine barges and vice versa. Leo Marine moves the Westoil
13 barges and the Leo Marine barges.

14 Q So Leo Marine tugboats you're referring to move barges for
15 both companies?

16 A Yes, and we do the same depending on where the tugboat is
17 located. You know, if they're in Long Beach and there's a
18 barge that needs to be moved in Long Beach, you know, whatever
19 boat that is, we'll move it since it's already there.

20 Q And --

21 JUDGE SANDRON: Excuse me. When you say Long Beach, are
22 you talking about the Long Beach side of -- of the harbor?

23 THE WITNESS: Yes, just cause it -- it saves, you know,
24 fuel. The boat doesn't have to run across the harbor, so if
25 there's a boat already in Long Beach close to that barge,

1 it'll -- it'll grab that barge, whatever barge it is, if it's a
2 Westoil or a Leo Marine barge.

3 Q BY MR. RIMBACH: How often does a Leo Marine tugboat with
4 Leo Marine employees move a Westoil Marine Services barge?

5 A All the time. I'd say anywhere from 5 or 6 a week to 10
6 or 12 a week, 15 a week.

7 Q Are you familiar with Westoil Tug Services?

8 A Yes.

9 Q Is there a difference between Westoil Tug Services and
10 Westoil Marine Services?

11 A Yeah, Westoil Tug Services is who employs the captains on
12 the tugboats, and then Westoil Marine Services is who employs
13 the engineers and the tankermen and deckhand on the barge.

14 Q And when you -- generally, if the term Westoil is used,
15 does that term include both Westoil Marine Services and Westoil
16 Tug Services?

17 A Yes.

18 Q How often does a Westoil tugboat move -- and -- and
19 Westoil employees move a Leo Marine barge?

20 A All the time. It -- I mean, I'd -- I'd say that's
21 probably 15 to 30 or 40 times a week depending on how busy it
22 is. Like, there's some nights where the Westoil barge won't be
23 working, you know, they won't have any jobs for it, so the
24 Westoil tug just moves Leo Marine barges because that's all
25 that's out.

1 Q Now, I'd like to zoom out a little bit, and along the
2 north side of the berth, it looks like all the way from the
3 west side to the east side, there appear to be vehicles parked?

4 A Yes.

5 Q Okay. I'd like to ask you about these parking spots. Are
6 these -- are these parking spots designated or reserved in any
7 way for a particular company?

8 A Not necessarily.

9 Q Can you explain?

10 A Yeah, usually, the -- like, the cars to the right of the
11 building, you know, those are the Westoil tankermen because
12 that's closer to the clock-out, clock-in thing. All the way to
13 the right -- to the right of that Westoil Marine Services dock,
14 that's usually where the tug crew's parked because it's closer
15 to the boats, and the ones on the far left are usually where
16 the Leo Marine guys park, but there's no -- you know, if a --
17 if a Leo Marine employee wanted to park to the right, he could.
18 There's no real designation for parking. And then to the left
19 of the building, you know, closer to the building, that's
20 usually where the office employees park.

21 Q You said certain employees park closer to the clock-in or
22 clock-out area. Why is that?

23 A I just -- that's where they've always parked, so it's kind
24 of second nature.

25 Q Were there ever any designations in the past with respect

1 to where an employee should park?

2 A When Leo Marine first started, there was signs that they
3 had put up on -- on the inside of that little bridge coming
4 into 301, and one said Leo Marine employees park to the west;
5 Westoil employees park to the right -- or to the east, but
6 those signs are gone. I don't know where they ended up, but
7 they're not there anymore.

8 JUDGE SANDRON: Do you remember approximately when they
9 were -- were taken ou -- out or removed?

10 THE WITNESS: I don't know exactly. I want to say three
11 or four months after Leo Marine started. I don't know if they
12 blew over or somebody removed them, but they're not there
13 anymore.

14 JUDGE SANDRON: Okay.

15 Q BY MR. RIMBACH: And are those designations -- it sounds
16 like they're not followed at all at this point?

17 A No --

18 JUDGE SANDRON: (Indiscernible, simultaneous speech) --

19 A -- I mean --

20 JUDGE SANDRON: -- be careful, though, not to -- to lead
21 him.

22 MR. RIMBACH: Sorry.

23 Q BY MR. RIMBACH: Are those parse -- parking designations
24 followed at present?

25 A For the most part. The Leo Marine guys park to the west

1 and the Westoil guys park to the right -- or to the east, but
2 if -- like I said, if -- if a Leo Marine or if a Westoil
3 employee wanted to park over to the west because it's closer to
4 the barge that he's getting on, there's no repercussions or
5 anything. There's actually a few Westoil employees that ride
6 motorcycles, and they'll park to the right -- or to the west
7 because they can park their motorcycle under the -- the tent
8 and keep it out of the sun, and there's no repercussions or
9 anything.

10 Q Are there any company vehicles that park here?

11 A Yes. I think there's three or four crew-change vehicles.

12 Q Can you describe those company vehicles?

13 A Yeah, they're, like, Ford Explorers, Ford Escapes.

14 They're used for when the barge is tied up alongside a ship at
15 berth or if it's at a terminal, the crew can get access from
16 the dock when they crew change, so they'll take a crew-change
17 car over to wherever the barge is at, whether it's a terminal
18 or a berth, and then they'll park the crew-change car by the
19 ship, and then they'll walk across the ship and go down the
20 gangway onto their barge, and then the off-coming crew hops in
21 the car and comes back to 301.

22 Q Just to be clear, so these vehicles would transport crews
23 to locations that are not at this berth --

24 A Yes.

25 Q -- at Berth 301, so there are other locations within the

1 Los Angeles and Long Beach harbors?

2 A Yes.

3 JUDGE SANDRON: Do you know who operates those, which
4 company operates those?

5 THE WITNESS: Both Westoil and Leo Marine use them.
6 The -- the actual crews get in the car and drive them to the
7 terminal, so there's no, like, designated driver. It's just
8 the crews that are --

9 JUDGE SANDRON: Oh --

10 THE WITNESS: -- crew changing.

11 JUDGE SANDRON: Oh, I see, so -- so crews of both
12 companies use those?

13 THE WITNESS: Yes.

14 Q BY MR. RIMBACH: Are the company vehicles specifically
15 designated for a particular company?

16 A No.

17 JUDGE SANDRON: And -- and do you know -- do you know who
18 actually owns those vehicles --

19 THE WITNESS: No --

20 JUDGE SANDRON: All right.

21 THE WITNESS: -- I do not.

22 JUDGE SANDRON: So as far as you know, they're not owned
23 by either Westoil or Leo Marine --

24 THE WITNESS: No, I --

25 JUDGE SANDRON: -- as far as you know.

1 THE WITNESS: -- believe -- yeah, as far as -- I believe
2 they're owned by Centerline but I'm not 100 percent sure. And
3 then, can I add also when --

4 JUDGE SANDRON: Yes.

5 A -- like, when we have a offshore tug come -- like,
6 sometimes there's a barge that's doing a tow from San Francisco
7 down to LA, you know, maybe like OTB, Olympic Tug & Barge, and
8 sometimes their tug will tie up at our dock to do maintenance
9 or if they need to crew change a -- an employee or grab
10 groceries, and they also use those crew-change cars.

11 Q BY MR. RIMBACH: Does Centerline use these company
12 vehicles, as well, if you know?

13 A Yes, they do.

14 Q How does Centerline use these company vehicles?

15 A The -- the shoreside employees, if they need to go and get
16 parts, they will use the crew-change car to go and get it.
17 Brent Ralph the -- the supply gentleman, he takes them and
18 gets -- you know, fills them up with fuel once or twice a
19 week --

20 JUDGE SANDRON: Do we have --

21 A -- so.

22 JUDGE SANDRON: -- that name spelled in the record?

23 MR. RIMBACH: Yes, Your Honor, I believe --

24 JUDGE SANDRON: Okay.

25 MR. RIMBACH: -- so.

1 JUDGE SANDRON: All right, and -- and you -- and you
2 have -- you have observed that, Mr. Buzard?

3 THE WITNESS: Yes.

4 Q BY MR. RIMBACH: Do you recall anyone else from Centerline
5 using these vehicles at this time?

6 A I don't recall anybody else.

7 Q Okay. Are there anything on these vehicles that identify
8 them by company name on the outside?

9 A No, there's not. They just look like a regular car.

10 Q I'd like to now refer you to the northwest corner, I
11 believe, of the berth, which is the top left of --

12 A Okay.

13 Q -- the Google satellite image. I'm highlighting the small
14 boat that is attached to the north side of the berth --

15 A Okay.

16 Q -- between the berth and the island. Do you see that
17 boat?

18 A Yes, I do.

19 Q Do you know what this boat is?

20 A Yeah, that's the Millennium Tender. That's the crew
21 change boat.

22 Q What is this boat used for?

23 A Mainly crew changes for barges that are out at anchor or
24 the crews can't get to by car. So they'll -- the cre -- crew
25 that's coming on will hop on the boat at 301, and then Brent

1 Ralph is usually the one that operates it, and then he'll take
2 them out to wherever the anchor is, and they'll crew change,
3 and then the off-coming crew hops on it, comes back to LA301.

4 JUDGE SANDRON: And -- and Brent Ralph, you said, is with
5 Centerline?

6 THE WITNESS: I believe so.

7 JUDGE SANDRON: Okay. And -- and Westoil and Leo Marine
8 crews use that vehicle?

9 THE WITNESS: Yes.

10 Q BY MR. RIMBACH: Do you know how many times a day this
11 Millennium Tender boat is used?

12 A Sometimes it's, you know -- let's see, we're two -- four
13 times a day. Sometimes it's more depending on how many barges
14 are out -- out at anchor, I should say.

15 JUDGE SANDRON: So do the crews generally have fixed
16 schedules or does it just vary depending on need?

17 THE WITNESS: Yeah, it's usually they're fixed schedules.
18 The Leo Marine guys start at 7 in the morning and 7 at night,
19 and the Westoil crew members start at 6 in morning and 6 at
20 night, for the most part. And they also use -- sometimes if
21 there's a problem out at anchor with the barge, Brent Ralph
22 will take the shoreside mechanics out to the barge with the
23 crew-change vessel, so you know, sometimes that occurs, as
24 well.

25 JUDGE SANDRON: And -- and that's on both Westoil and Leo

1 Marine barges?

2 THE WITNESS: Yes, correct.

3 Q BY MR. RIMBACH: You mentioned the shoreside mechanics.
4 Do you know where they work?

5 A Yeah, they're to the right, the very east end of the dock,
6 that tan kind of building. That's kind of like the shoreside
7 shop.

8 Q Okay. So you're referring to this tan square that's
9 located just north of where the tugboats park?

10 A Yes, correct.

11 JUDGE SANDRON: I think you referred to that yesterday, as
12 well, that tent?

13 THE WITNESS: I believe so.

14 JUDGE SANDRON: The -- the -- the more permanent tent, you
15 said, I believe.

16 THE WITNESS: Oh, yeah, there's another one on the west.
17 That's an actual, like, building --

18 JUDGE SANDRON: Right. Oh, wait --

19 THE WITNESS: -- and then it's --

20 JUDGE SANDRON: -- am I -- am I confusing it -- the --

21 MR. RIMBACH: Sorry, I believe we -- yesterday, we only
22 discussed the permanent -- semipermanent tents on the --

23 JUDGE SANDRON: Oh, I see.

24 MR. RIMBACH: -- west side of the berth. Actually, it's
25 on the left side of the satellites, and --

1 JUDGE SANDRON: Yeah, but --

2 MR. RIMBACH: -- we also discussed --

3 JUDGE SANDRON: Right.

4 MR. RIMBACH: -- the less permanent tents in the middle of
5 the berth.

6 JUDGE SANDRON: Okay.

7 MR. RIMBACH: It's not always there, but I don't think we
8 referred yet --

9 JUDGE SANDRON: Oh, all right.

10 MR. RIMBACH: -- to --

11 JUDGE SANDRON: The third tent.

12 MR. RIMBACH: Yes.

13 JUDGE SANDRON: Okay. All right, and so -- well, I
14 believe you said the second tent was not there now -- at the
15 moment? The middle tent?

16 THE WITNESS: Yes.

17 JUDGE SANDRON: Do you want to -- that -- at the moment,
18 then, it's not here.

19 THE WITNESS: Yeah --

20 JUDGE SANDRON: Okay, then.

21 THE WITNESS: -- that one's not there.

22 JUDGE SANDRON: All right, then I believe Mr. Rimbach is
23 correct. You didn't testify about the third tent.

24 MR. RIMBACH: It looked the --

25 THE WITNESS: Yeah, and --

1 MR. RIMBACH: -- same.

2 THE WITNESS: -- that -- and that's actually a building.

3 It's not so much --

4 JUDGE SANDRON: Oh, oh, oh, it's --

5 THE WITNESS: -- a tent --

6 JUDGE SANDRON: -- not a tent --

7 THE WITNESS: -- as a --

8 JUDGE SANDRON: -- a building --

9 THE WITNESS: Yeah --

10 JUDGE SANDRON: -- right?

11 THE WITNESS: -- it's a building. So I --

12 JUDGE SANDRON: Can I just --

13 THE WITNESS: -- suspect the big -- the big square is

14 the -- you know, the shoreside shop, and then the one just to

15 the west of it is, like, the welding shop, and then the little

16 black roof, that's kind of the -- the, like, break area for the

17 shop guys, shore --

18 JUDGE SANDRON: Okay.

19 THE WITNESS: -- shoreside employees.

20 JUDGE SANDRON: And -- and -- and do those shop employees,

21 do they work on both Westoil and Leo Marine tugs?

22 THE WITNESS: Yes.

23 JUDGE SANDRON: And barges?

24 THE WITNESS: Yeah, both companies.

25 Q BY MR. RIMBACH: What do the shoreside mechanics do

1 exactly? So are they shoreside mechanics or shoreside
2 maintenance?

3 A Shoreside maintenance, and -- and -- and yeah, mechanics.
4 If there's a problem with one of the vessels that the -- the
5 tug crews or barge crews can't get fixed, they'll come and
6 assist. They've also got, you know, a couple guys that do
7 welding, so if we need anything welded on the boats, they come
8 down and do that for the barges.

9 Q Can you describe what the shoreside maintenance guys do
10 exactly? What is the range of their job duties?

11 A They do everything. They do anything from painting to
12 welding to engine work. You know, they do some fabricating and
13 stuff if we need something changed or built or -- they also do
14 some maintenance on the engines. Not so much maintenance, but
15 if -- if like a starter or a water pump goes out and we don't
16 have it onboard and it's beyond the scope of what we feel
17 comfortable doing, they'll come down and assist us with that.

18 Q Do you know who they're employed by?

19 A I believe it's Centerline.

20 Q I -- I believe Judge Sandron already asked this, but I
21 just want to elaborate just a little bit. Do these maintenance
22 employees perform all of those tasks that you just mentioned
23 for both Westoil Marine and Leo Marine?

24 A Yes, they do.

25 MR. RIMBACH: At this time, I would like to offer GC

1 Exhibit 21 into evidence.

2 JUDGE SANDRON: Mr. Hilgenfeld, any voir dire or
3 objections?

4 MR. HILGENFELD: The only thing I would note for the
5 record is there's writing on GC 21. I think we all agree that
6 comes from Google, and it's not -- should not be used to
7 interpret or mean anything on that. It -- by Leo Marine 1610
8 Barracuda, Westoil Marine Services.

9 JUDGE SANDRON: What --

10 MR. RIMBACH: Yeah, so --

11 JUDGE SANDRON: -- (indiscernible, simultaneous speech) --

12 MR. RIMBACH: -- that's our understanding, as well. These
13 labels that are written on here. Those were not -- those are
14 just straight from Google.

15 JUDGE SANDRON: So this is a direct screenshot?

16 MR. RIMBACH: Yes, Your Honor. The only thing that the
17 General Counsel did was enter in the street address at the --

18 JUDGE SANDRON: Oh, I --

19 MR. RIMBACH: -- top --

20 JUDGE SANDRON: -- see.

21 MR. RIMBACH: -- for the search --

22 JUDGE SANDRON: I see.

23 MR. RIMBACH: -- but all of these pinpoints on the map
24 itself, that was not added by the General Counsel.

25 JUDGE SANDRON: All right. I under -- I understand. Mr.

1 Hilgenfeld, you don't have any objection to the actual
2 screenshot itself?

3 MR. HILGENFELD: Correct. I'm just noting for the record,
4 Your Honor.

5 JUDGE SANDRON: All right, that is so noted. The exhibit
6 is received.

7 **(General Counsel Exhibit Number 21 Received into Evidence)**

8 MR. RIMBACH: Thank you, Your Honor.

9 JUDGE SANDRON: Oh, I had one question. In terms of the
10 mechanics, are -- are they -- are they -- we'll -- we'll call
11 them mechanics -- are -- are they assigned to either Leo Marine
12 or Westoil or do they interchange between both companies?

13 THE WITNESS: Yeah, they interchange between both
14 depending on what needs to be done or what piece of equipment
15 needs help.

16 Q BY MR. RIMBACH: I'd like to direct your attention now to
17 GC Exhibit 22.

18 MR. RIMBACH: And if any party wishes to look at their own
19 copy, I did upload these to SharePoint earlier this morning.

20 Q BY MR. RIMBACH: This exhibit consists of eight pages
21 which are all photographs. I'd like to show you page 1 of this
22 exhibit. Do you recognize this photo?

23 A Yes, I do.

24 Q Can you describe what we're looking at here?

25 A Yeah, that's a -- a -- a sign that is located inside the

1 gates at LA301 that has the Centerline Logistics name on it and
2 an LA Berth 301.

3 Q Is the sign located on the berth itself or on the bridge?

4 A I believe it's on the berth.

5 Q Okay.

6 A Actually, I -- and you know what, it -- it looks like it
7 is on the -- the end of the bridge.

8 Q Just before you step onto the berth?

9 A Yeah.

10 Q Okay. Do you recall whether there are any similar signs
11 such as this with the names of any other companies --

12 A With --

13 Q -- (indiscernible, simultaneous speech)?

14 A -- with other companies, no, I don't believe there is.

15 Q Do you know what this black box is here?

16 A That is a -- a mailbox that we use to put our engine room
17 logs and the tankermen put their barge paperwork in.

18 Q Do you know which employees use this box?

19 A I believe both Westoil and Leo Marine.

20 Q I'd like to scroll down to page 2. Do you know whether
21 this is the same sign that we looked at just now?

22 A Yeah, that's the same side -- same sign, excuse me,
23 looking at it from outside the gate.

24 Q Now scrolling down to page 3, can you describe what we are
25 looking at in this photo?

1 A Yeah, that's the address of -- of LA Berth 301, and then
2 on the inside of the gate there, that's the Centerline logo.

3 JUDGE SANDRON: Oh, I see.

4 Q BY MR. RIMBACH: And when you say "Centerline logo", what
5 are you talking about exactly?

6 A The -- the -- like, half a lion's head, that's the
7 Centerline emblem.

8 JUDGE SANDRON: Okay.

9 Q BY MR. RIMBACH: Are there any other emblems or logos that
10 you can recall that are located on the berth?

11 A No, I don't believe so.

12 Q Okay. And so just to be clear, what we're looking at,
13 this is when you're on the bridge towards the berth looking to
14 the left side of the berth?

15 A Yes, exactly.

16 Q Do you recognize these vehicles parked here?

17 A Yes, those are actually the crew-change vehicles, three of
18 them. I think there's -- I believe there's one more.

19 Q And those were the crew-change vehicles you testified
20 about earlier?

21 A Yes.

22 Q I'd like to scroll down to page 4. Do you recognize what
23 we're looking at here?

24 A Yes.

25 Q What is this?

1 A That is when you turn on to Barracuda Street. I -- I
2 can't remember what street takes you to it, but that's a sign
3 letting you know that Centerline is to the left -- down -- you
4 know, LA Berth 301 is down that way.

5 Q And the orange sign at the top, it says "Harley Marine
6 Services".

7 JUDGE SANDRON: A question. (Audio interference).

8 Q BY MR. RIMBACH: Do you know what Harley Marine Services
9 is?

10 A Yeah, that's what the company was called before they
11 rebranded as Centerline.

12 Q When you say "the company", you're referring to
13 Centerline?

14 A Yes.

15 Q Now scrolling in a little bit to the sign underneath the
16 orange sign, it appears to say "Centerline Logistics Corp."
17 It's a little blurry, but do you know what that says right
18 underneath?

19 A Underneath the Centerline Logistics Corp.?

20 Q Only if you can tell. Or no?

21 A No, I -- I can't tell --

22 Q Okay.

23 A -- what it says.

24 Q Now, scrolling down to page 5, is this the same location
25 that was on page 4?

1 A Yes.

2 Q Okay. Is this just a zoomed-out view?

3 A Yes, correct.

4 Q Okay. Now scrolling down to page 6, do you recognize what
5 this is?

6 A Yeah, that is the front door, I guess you can call it, to
7 the office building.

8 Q And this is the Centerline -- excuse me, the office
9 building that's located on Berth 301?

10 A Yes.

11 Q Are there any other images or company names located on the
12 doors of that building other than the ones that you see here
13 for Centerline and the lion logo?

14 A No.

15 Q Scrolling down to page 7, on the left side of this photo,
16 is that that same door that we just looked at on page 6?

17 A Yes, correct.

18 Q Okay. What is this to the right? It looks like a black
19 box attached to the wall.

20 A That is the clock-out system for -- you know, you clock in
21 and clock out there.

22 JUDGE SANDRON: And -- and -- and which employees use
23 that -- that clock?

24 THE WITNESS: Both -- both Westoil and Leo Marine.

25 Q BY MR. RIMBACH: And what are these two pieces of paper

1 attached to the window next to the door here in the middle of
2 the photo?

3 A Those are the boat codes and position codes that you use
4 when you clock in. So like, captains have a certain code, so
5 when they punch in, they punch in that code. The tankermen
6 have a certain code, and then each piece of equipment has a
7 code. So when you clock in, you clock in with your number or
8 fingerprint and then you put what your position is and then
9 what piece of equipment you're on.

10 Q I'd like to scroll down now to page 8. Were these the two
11 pieces of paper that you just were referring to, just a --

12 A Yeah.

13 Q -- zoomed-in view?

14 A Correct.

15 Q Now, it's a little blurry, but for the Westoil payroll
16 codes, is this accurate that -- oh, sorry, can you describe how
17 many digits a Westoil employee uses to enter in their position?

18 JUDGE SANDRON: I -- well, can he --

19 A There is --

20 JUDGE SANDRON: -- can -- well can you read it? It's hard
21 to read. If -- like, if you can read it, that's fine. If
22 it's -- if it's too blurry, then don't guess.

23 A Yeah, no, for the code, it is five numbers. Like, I can
24 tell you that the captain code is 10630 because that's the code
25 that I use, but I believe all the position codes are five

1 digits.

2 Q BY MR. RIMBACH: And for the vessels, I'm not sure if you
3 can see this, but can you tell what vessels those are?

4 A It looks like the Lovel Briere, the HMS 2608, and the
5 Madeline Hamilton.

6 JUDGE SANDRON: I guess your eyesight's better than mine,
7 but if you can read it.

8 MR. RIMBACH: It's tough --

9 THE WITNESS: No, I -- I just --

10 MR. RIMBACH: -- for me to read, too.

11 JUDGE SANDRON: Or way just --

12 THE WITNESS: -- I just know -- know what barges and
13 boats.

14 JUDGE SANDRON: Okay.

15 THE WITNESS: That's why. I can't really read -- read --

16 JUDGE SANDRON: All right.

17 THE WITNESS: -- that.

18 Q BY MR. RIMBACH: And do you know how many digits an
19 employee would use to enter in a vessel?

20 A It's six, I believe.

21 Q Okay. And does a Westoil employee always enter in their
22 position code as well as a vessel code at the start of their
23 work?

24 A Yes.

25 Q Now, scrolling down to Leo Marine, just the same questions

1 briefly. Do Leo Marine employees use this same login system
2 with respect to entering in a posit -- a position or job code
3 and then a vessel code?

4 A Yes, they do.

5 Q And it's a little hard to hear, so if you could just tell
6 me do you know how many digits the job code is for a Leo Marine
7 employee?

8 A I'm not 100 percent sure, but I believe it's the same. I
9 believe it's five.

10 Q And what about in -- in equipment for Leo Marine
11 employees?

12 A I believe the same thing. I believe it's six, and I think
13 the Madeline Hamilton, you know, it's a Westoil boat, but it's
14 on the Leo Marine page. I think that's just -- has a different
15 code than the -- the Westoil one.

16 Q Do you know why the Madeline Hamilton is listed on both of
17 these documents?

18 A I don't know why it's -- it listed. It -- it used to be a
19 Leo Marine boat, and then one of the boats that the Westoil
20 boat had -- or the Westoil crew had went to one of the other
21 companies up in Oregon, I believe, so then they switched the
22 Madeline Hamilton to the Westoil boat.

23 Q Did you take these photos?

24 A Yes, I did.

25 Q Okay.

1 JUDGE SANDRON: When -- when did you take those photos?

2 THE WITNESS: Those were taken two -- two or three weeks
3 ago.

4 MR. RIMBACH: At this time, I would like to offer GC
5 Exhibit 22 into evidence.

6 JUDGE SANDRON: Mr. Hilgenfeld?

7 MR. HILGENFELD: May I have a quick voir dire, Your Honor?

8 JUDGE SANDRON: Yes.

9 **VOIR DIRE EXAMINATION**

10 Q BY MR. HILGENFELD: Mr. Buzard, did you take these photos
11 all at the same time?

12 A Yes. Well, the -- that picture, I think I took a day
13 later.

14 JUDGE SANDRON: What on page -- the last picture?

15 THE WITNESS: Yeah, the -- the -- yeah, page 8, that one.

16 Q BY MR. HILGENFELD: Are these all of the photos that you
17 took?

18 A Yes.

19 Q And did you take them on your phone?

20 A Yes, I did.

21 MR. HILGENFELD: Okay. No further questions. No
22 objection.

23 JUDGE SANDRON: The document is received.

24 **(General Counsel Exhibit Number 22 Received into Evidence)**

25 Q BY MR. RIMBACH: When you were with Westoil Marine



1 Services, were you represented by a union?

2 JUDGE SANDRON: Okay, actually, before you get to that, I
3 just had a couple of -- of questions that may already be on the
4 record, but just to make sure it is.

5 In the -- in the building that where you clock in, is
6 there any kind of -- I believe there is maybe testimony that
7 there was -- there's a break room or a lunchroom?

8 THE WITNESS: Yes.

9 JUDGE SANDRON: And -- and who uses that -- that ro --
10 that break room or lunchroom?

11 THE WITNESS: Any -- you know, all of the office employees
12 use it, and then when we have, like, meetings for Westoil or
13 Leo Marine, that's kind of where we have our meetings, where
14 the meetings are held.

15 JUDGE SANDRON: And -- and do employees use this as a
16 break room or a -- I -- I don't --

17 THE WITNESS: I believe --

18 JUDGE SANDRON: -- know exact -- yeah, I don't know if
19 you, in the nature of your work, whether you actually would use
20 it much for like meals or snacks, but is it used by employees
21 otherwise?

22 THE WITNESS: Yes, sometimes. You know, if there's a
23 barge crew that's at the dock for a long period of time,
24 sometimes they'll go in and sit in the AC and have their lunch
25 or -- so it does get used by employees sometimes. Not all the

1 time, but it does get used sometimes.

2 JUDGE SANDRON: And -- and is that by both Westoil and Leo
3 Marine --

4 THE WITNESS: Yes, correct.

5 JUDGE SANDRON: -- (indiscernible, simultaneous speech)?
6 And -- and do you have lockers in that building?

7 THE WITNESS: No, we --

8 JUDGE SANDRON: (Indiscernible, simultaneous speech) --

9 THE WITNESS: -- do not have any lockers.

10 JUDGE SANDRON: Okay.

11 **RESUMED DIRECT EXAMINATION**

12 Q BY MR. RIMBACH: A quick follow-up question: The office
13 employees that you mentioned that work in this building, do you
14 know who they are employed by?

15 A I believe Centerline.

16 Q When you were employed by Westoil Marine Services, were
17 you represented by a union?

18 A Yes, I was.

19 Q What union?

20 A That was the Inlandboatmen's Union of the Pacific or the
21 IBU, as it's referred to.

22 Q Were you represented by IBU during your entire employment
23 with Westoil or just part of your employment with Westoil?

24 A For the full employment with Westoil.

25 Q Do you -- do you recall about how many IBU members were

1 employed in the bargaining unit at Westoil Marine Services when
2 you were employed there?

3 A It varied --

4 MR. HILGENFELD: Vague.

5 A -- but I want --

6 JUDGE SANDRON: What's that? What's the objection, Mr.
7 Hilgenfeld?

8 MR. HILGENFELD: Objection. Vague as to time.

9 JUDGE SANDRON: Well, maybe you can put the time frame as
10 toward the end of his employment with the company.

11 MR. RIMBACH: Sure.

12 Q BY MR. RIMBACH: In the beginning of 2021, before you
13 became employed by Leo Marine, do you recall about how many
14 employees were IBU members that were in that bargaining unit at
15 Westoil Marine Services?

16 A I believe there was 50 or 60, somewhere around there.

17 Q Do you recall what classifications of employees were
18 represented by IBU?

19 A Yeah, there was deckhands, tankermen, engineers -- or
20 deckhand engineers, and the ship-assist deckhands.

21 Q And the ship-assist deckhands are also known as the third
22 man; is that correct?

23 A Yes, correct.

24 JUDGE SANDRON: Well, I'd like to take this opportunity to
25 note again that Mr. Hilgenfeld is raising his hand rather than

1 voicing your objection orally, and I think that seems to be a
2 good practice, so I would encourage that. It's certainly less
3 disruptive than having people interrupt in -- in a Zoom
4 hearing. The only thing I would ask is if I miss anybody, you
5 know, then feel free to speak up orally, but I'll otherwise
6 assume that I'll be looking for raised hands if there are any
7 objections from opposing counsels. Go ahead.

8 Q BY MR. RIMBACH: Now, when you were with Westoil Marine
9 Services, where was the work performed exactly day to day?

10 A LA301.

11 Q And which harbors --

12 A Oh.

13 Q -- when the bunkering work or ship-assist work was
14 performed?

15 A L.A. and Long Beach. Los Angeles and Long Beach.

16 Q Is there any difference between Westoil and Leo Marine in
17 terms of where work was performed?

18 A No.

19 JUDGE SANDRON: Now -- now, when you say L.A. Harbor was
20 that the other side of the harbor or is that the one that
21 you've been describing now?

22 THE WITNESS: Well, Long Beach is one end of the harbor --

23 JUDGE SANDRON: Right.

24 THE WITNESS: -- and then Los Angeles Harbor is the
25 other -- the other side.

1 JUDGE SANDRON: So you were working on the other side
2 before?

3 THE WITNESS: We -- we service both harbors --

4 JUDGE SANDRON: Oh.

5 THE WITNESS: -- both L.A. -- Los Angeles and Long Beach.

6 JUDGE SANDRON: So you were -- bef -- before Leo Marine
7 came in, you were working on both sides of the harbor?

8 THE WITNESS: Yes, correct.

9 Q BY MR. RIMBACH: And with Leo Marine Services, you
10 continued to work on both sides of the harbor, L.A. and Long
11 Beach?

12 A Yes, correct.

13 Q When you worked for Westoil Marine Services, did you
14 receive any training?

15 A Yes, we did.

16 Q What kind of training?

17 A There was training for, like, hazardous materials, which
18 is referred to as HAZWOPER. There was some other training,
19 like, confined space entry and -- and first aid/CPR, and then
20 some trainings that the oil companies required us to do.

21 JUDGE SANDRON: Could you spell that term? Was it
22 HAZWOPER? Just want to make sure we get it.

23 THE WITNESS: Yeah. It's --

24 MR. RIMBACH: It's --

25 THE WITNESS: -- H-A --

1 MR. RIMBACH: -- H-A --

2 THE WITNESS: Oh.

3 Q BY MR. RIMBACH: I'm sorry. Go ahead, Mr. Buzard.

4 A H-A-Z-W-H-O-P-P-E-R (sic).

5 Q What kind of system -- was there a system that you took
6 the training through?

7 A Yeah, we did it through --

8 JUDGE SANDROM: Okay. Mr. Hilgenfeld has an objection.
9 What is that?

10 MR. HILGENFELD: Same objection. I believe Mr. Buzard
11 worked at Westoil for over 12 years. What period of time are
12 we talking about --

13 JUDGE SANDROM: Yes. I -- I think probably you want to
14 narrow the scope of the questions to maybe the last year or
15 whatever period for the changeover.

16 MR. RIMBACH: Sure.

17 JUDGE SANDROM: Unless -- unless you're going to use
18 something going back further for -- you know, foundation for
19 more recent events.

20 MR. RIMBACH: No, Your Honor. Just for comparison
21 purposes between the companies.

22 Q BY MR. RIMBACH: Most recently, how was this training
23 conducted and when was that for Westoil Marine Services or
24 about when, if you recall?

25 A It was a yearly training, so we have to do certain modules

1 every year. It was all done through our payroll. It's
2 actually ADP, which has the payroll. That's also where you
3 request time off. You can look at your paystubs and you know,
4 your time card, all that kind of stuff; it was done through
5 that.

6 Q And when you log in through this ADP system for training,
7 did it indicate a particular name of the company?

8 A It just said Centerline.

9 Q Do you recall whether there was a name of any other
10 company --

11 A I --

12 Q -- in this training platform?

13 A I don't recall.

14 JUDGE SANDROM: So that was your last training with
15 Westoil was through that type of --

16 THE WITNESS: Yes.

17 JUDGE SANDROM: How far back of that go approximately?
18 You said -- I know we don't want to go back into ancient
19 history, but -- because you've been there a long time, but for
20 how many years did it -- was it like Centerline as the name of
21 the training program?

22 THE WITNESS: That was, I'd say, for Centerline, it was
23 three or four years. Before that, it was Harley Marine, which
24 was the company name before that. But I -- I recall it being
25 for the last seven or eight years. It's always been on the

1 ADP, through that system.

2 JUDGE SANDROM: And when was your last training before the
3 changeover, as best you remember?

4 THE WITNESS: I don't recall the exact time, but it was
5 sometime in the year of 2020 because, like I said, we have to
6 do it every year. There's certain modules you have to do.

7 JUDGE SANDROM: I see.

8 Q BY MR. RIMBACH: When you became a Leo Marine Services'
9 employee, did you continue to take any type of training?

10 A I'm sorry. Can you repeat the question?

11 Q Sure. When you became a Leo Marine Services' employee at
12 the beginning of March of 2021, did you continue to take any
13 type of training?

14 A Yes, the same type of training.

15 Q And how did you take that type of training, through what
16 platform or system?

17 A Through the ADP app. There's a -- like, an icon you could
18 click. I believe it said Centerline -- shoot, I can't remember
19 the name, Learning University, or something. And you would
20 click that, and it would pull up all your required modules that
21 you had to do and what you had completed.

22 Q Was this --

23 JUDGE SANDROM: Was this your -- was there any change in
24 the training after the changeover?

25 THE WITNESS: No.

1 Q BY MR. RIMBACH: And when you became a Leo Marine
2 Services' employee, in this training platform, do you recall
3 ever seeing the name Leo Marine Services or was it still just
4 Centerline?

5 A I don't recall seeing Leo. I -- I believe it was still
6 Centerline.

7 Q Okay. Are you familiar with something called Cornerstone?

8 A Yes. I believe that's part of the training, or it might
9 have been called Cornerstone before it was switched to that
10 Centerline Learning University.

11 Q I believe you may have testified as to this, so I
12 apologize, but what were your hours when you were with Westoil
13 Marine Services?

14 A I worked all sorts of hours towards the last part of my
15 employment there. I was on the ship from 9 in the morning till
16 9 at night.

17 Q And how many days a week would you work, what kind of
18 schedule?

19 A We did five days-on, five days-off.

20 Q Did you receive paid time off at Westoil Marine Services?

21 A Yes.

22 Q How did you request to use paid time off?

23 A Through the ADP app.

24 Q And all of these questions are just referring to, you
25 know, maybe within the last year of your employment with

1 Westoil Marine Services, to give you a time frame --

2 A Okay.

3 Q -- most recently. Do you recall who approved your paid
4 time off with Westoil Marine Services?

5 A I believe there was a couple of people that had to approve
6 it. I believe it was Michael Castagnola, Doug Houghton, and I
7 don't recall the third.

8 Q Okay. When you started working for Leo Marine Services,
9 did you continue receiving paid time off?

10 A I don't recall. I don't recall if we got paid time off or
11 it switched to vacation time.

12 Q Okay. How did you request a paid time off or vacation
13 time when you became a Leo Marine Services' employee?

14 A The same -- same way, through the ADP system.

15 Q Do you recall who approved it -- your request for paid
16 time off or vacation when you became the Leo Marine Services'
17 employee?

18 A I didn't use it much, but I believe it was Brian Vartan
19 and I believe there was one or two other people that had to
20 approve it, but I don't recall who.

21 Q Was that the same system or a different system for
22 requesting that paid time off?

23 A Same system.

24 JUDGE SANDROM: Well, I think he said he wasn't sure if he
25 took paid time off.

1 MR. RIMBACH: Okay. I'll -- I'll move on, Your Honor.

2 Q BY MR. RIMBACH: When you work for Westoil Marine
3 Services, how were your work assignments dispatched to you?

4 A Through the dispatch employees.

5 Q Where did the dispatch employees work?

6 A They were in the building at LA301.

7 Q Do you know how many dispatchers there were?

8 A And this is for Westoil -- when I was employed at Westoil?

9 Q Westoil Marine Services.

10 A I believe there was four or five employees.

11 Q How did they -- okay. Excuse me. Sorry for interrupting.
12 How did they contact you?

13 A Either by radio, telephone -- you know, the -- the boat
14 radio or -- excuse me, boat -- boats have a radio. So they
15 used to call us on the radio, or they would call us on the
16 phone or text us. And then the last couple of years, it was
17 through email -- or last year, so it was through email too.

18 Q When you started working for Leo Marine Services at about
19 the beginning of March 2021, who dispatched your work for you?

20 A The dispatchers.

21 JUDGE SANDROM: Were they the same dispatchers or did --

22 THE WITNESS: A couple of the dispatchers -- no. Sorry.
23 They -- yeah, they had hired all new dispatchers.

24 Q BY MR. RIMBACH: When they hired new dispatchers, do these
25 same dispatchers work in the same building?

1 A Yes, correct.

2 Q Did the system for dispatching work change once you became
3 a Leo Marine Services' employee?

4 A No. The only thing that changes -- they stopped using the
5 radio to dispatch our jobs. A lot of it was done through
6 email, the phone calls, and text messages.

7 Q Do you know whether there were different dispatchers for
8 Leo Marine Services and Westoil Marine Services when you
9 started working for Leo Marine Services?

10 A No, they were all the same.

11 Q How do you know that?

12 A Because they would -- the emails that they would send out
13 would have Leo Marine jobs and Westoil Marine jobs on the
14 email. They would just send out an email, one email to the --
15 all the boats included on it.

16 Q When you say the dispatchers would send one email to all
17 the boats, those are both Westoil Marine Services' boats and
18 Leo Marine Services' boats?

19 A Yes, correct.

20 Q What information do you receive exactly when you get a
21 dispatch -- when you get an assignment from a dispatcher?

22 A It tells you the job number, what boat is assigned, what
23 barge it is, the time that it's supposed to be moved, and where
24 it's going -- or where it's coming from, and where it's going,
25 and the -- usually the ship name if it's going to a ship.

1 Q Do you need to know anything else in order to know what
2 work you're doing that day --

3 A No --

4 Q -- or is all that information contained there?

5 A Yeah. All that information's contained there. And as --
6 throughout the day, if -- you know, times change, they'll --
7 they'll update the schedule, or they might switch boats around
8 or -- whatever needs --

9 JUDGE SANDROM: Was it -- was it --

10 THE WITNESS: I'm sorry.

11 JUDGE SANDROM: Go ahead. Finish.

12 A But yeah, everything is included in the email --

13 UNIDENTIFIED SPEAKER: Paula, hey, come here.

14 JUDGE SANDROM: Oh -- oh, seems like --

15 UNIDENTIFIED SPEAKER: Stop that.

16 JUDGE SANDROM: I think we're getting --

17 UNIDENTIFIED SPEAKER: Paula. Paula.

18 JUDGE SANDROM: Okay. It stop --

19 MR. HILGENFELD: Someone needs to mute their mic.

20 JUDGE SANDROM: Yeah. I think somebody had -- should have
21 the mic muted.

22 UNIDENTIFIED SPEAKER: Oh, my gosh, I'm so sorry. I
23 switched headphones, and I thought I was on mute. Oh, my God.
24 I'm so embarrassed.

25 JUDGE SANDROM: That's all right. Mr. Buzard, did -- was

1 there any change in that -- when Leo Marie took over from the
2 way it was the Westoil any difference in terms of the
3 information?

4 THE WITNESS: No, that was all the same. The only thing
5 that changed is they -- they kind of stopped using the radio
6 and started using the email and phone text messaging more.

7 Q BY MR. RIMBACH: When you started working for Leo Marine
8 Services, do you know whether there was any dispatcher
9 specifically designated to one company or another?

10 A No. I don't believe there was.

11 Q Do you know who --

12 JUDGE SANDROM: Well, actually, your -- your -- when --
13 when you asked the question you said, do you know, so.

14 MR. RIMBACH: Sorry.

15 Q BY MR. RIMBACH: Can you --

16 JUDGE SANDROM: It could be an ambiguous answer.

17 Q BY MR. RIMBACH: -- explain further what your
18 understanding is?

19 JUDGE SANDROM: Well, when you said --

20 A Sorry. What was --

21 JUDGE SANDROM: Well, I think it might be easier, was
22 there any difference in which employees or dispatchers
23 dispatched -- in other words, were -- did they dispatch for
24 both -- or both companies -- or if we're talking about -- well,
25 I think I made it worse by my trying to rephrase the question.

1 But in -- did -- did the dispatchers dispatch sort of, both --
2 you know, both companies that were there at the time?

3 THE WITNESS: Yes. They -- the dispatchers dispatched for
4 Leo Marine and Westoil Marine Services.

5 JUDGE SANDROM: And -- and they did it basically eq -- for
6 both and without dividing them up as far as you know?

7 THE WITNESS: Yes, correct.

8 Q BY MR. RIMBACH: Do you know who the dispatchers are
9 employed by?

10 A I believe, it's Centerline.

11 Q And you mentioned that there were new dispatchers that
12 started around the time that you started at Leo Marine
13 Services. And I just want to make it clear for the record,
14 those new -- you're talking about the new dispatchers, they're
15 the ones who dispatched work to both the Leo Marine and
16 Westoil?

17 A Yes, correct.

18 Q I'm sorry. I lost my train of thought. But did you
19 already answer, do you know what entity the dispatchers worked
20 for?

21 A I believe they worked for Centerline.

22 Q And within the office, do you know where they physically
23 work?

24 A Yeah, they were just to the east side of the clock-in
25 station. They have like a little computer desk set up. That's

1 where the dispatchers dispatch out of.

2 Q Do you know whether they work in individual offices or in
3 an open common area?

4 A It's an open common area.

5 Q How close do they work together, physically?

6 A You mean the -- the dispatchers?

7 Q Yes.

8 A Usually, there's only one dispatcher in at a time. So
9 they work 12-hour shifts. So there will be one dispatcher and
10 then the night dispatcher comes in and dispatches out of the
11 same office --

12 Q I see.

13 A -- or same area.

14 JUDGE SANDROM: And the dispatcher dispatches both Westoil
15 and Leo Marine employees?

16 THE WITNESS: Yes, correct.

17 Q BY MR. RIMBACH: Are there different phone numbers for
18 dispatch depending on what company you work for?

19 A No. It's all the same.

20 Q Are there different email addresses for dispatch depending
21 on what company you work for?

22 A No, they're all the same.

23 Q When you were at Westoil Marine Services, were you
24 assigned any specific tugboats?

25 A I'm sorry. When I was employed by Westoil?

1 Q Yes. Westoil Marine Services.

2 A Yeah. I was on the Lela Franco, the Tim Quigg, and the
3 Millennium Falcon, for the most part.

4 Q What period of time were you generally assigned to the Leo
5 (sic) Franco?

6 A That was six or seven years.

7 Q Was that when you started?

8 A Yes. That's where I -- when I got on schedule, that's the
9 boat I was on.

10 Q And just for the record, I believe it's -- and please
11 correct me if I'm wrong. L-E-L-A, second word is F-R-A-N-C-O?

12 A Yes, correct.

13 Q Okay. And you also mentioned the Tim Quigg. That's
14 T-I-M, second name, Q-U-I-G-G. And what period of time did you
15 work primarily or generally on the Tim Quigg?

16 A I believe that was the last year or two, maybe three of my
17 employment at Westoil.

18 Q And then you also mentioned the Millennium Falcon?

19 A Yes. That boat was down, and I was on that for about a
20 year, I believe.

21 Q I'm sorry. You said the Millennium Falcon came from
22 where?

23 A That was an OTB, Olympic Tug & Barge, boat that they
24 didn't have work for up north. So we -- we needed a boat, so
25 they sent it down here and we crewed it up.

1 Q During what period of time was that?

2 A I believe that was for about a year. And that might have
3 been the -- I can't remember the exact time frame, but I
4 believe that was towards the end --

5 Q Towards the end --

6 A -- of the employment.

7 Q -- of your employment with Westoil Marine Services?

8 A Yes. I believe we were on the -- the Millennium Falcon.
9 I -- that don't -- time line might be kind of -- I can't
10 remember which one --

11 Q Okay.

12 A -- was first or --

13 Q And the Lela Franco --

14 THE COURT REPORTER: Judge --

15 JUDGE SANDROM: Yes.

16 THE COURT REPORTER: I'm sorry to interrupt. I did not
17 hear the GC's counsel. They kind of spoke over each other.
18 Can I have that question repeated, please?

19 MR. RIMBACH: Sure. I'm sorry.

20 Q BY MR. RIMBACH: Where did the Millennium Falcon come
21 from?

22 A Olympic Tug & Barge.

23 Q Okay. And during what period of time did you work on the
24 Millennium Falcon?

25 A I believe it was for about a year; I don't remember the

1 exact time frame.

2 Q Was it towards that -- you've mentioned it was the end of
3 your employment -- towards the end of your employment with
4 Westoil Marine Services?

5 A Yes. It was towards the end.

6 Q Okay. Have you ever worked on any other boats from
7 Olympic Tug & Barge?

8 A There was -- there was a few other ones there that had
9 came down throughout the years. I don't remember exactly which
10 ones, but there was a few other ones that had came down. And
11 same thing, they came down because we needed a boat, and they
12 didn't need use for it -- you know, in San Francisco or
13 Seattle. And then we would use it for six, eight months or a
14 year, and then we would get our boat back, whether it was in
15 the yard or doing something else. And then that boat would go
16 back to Olympic Tug & Barge, and we would get our boat back.

17 Q Do you know where those boats came from, like location-
18 wise?

19 A Seattle and San Francisco from Olympic Tug & Barge and
20 Starlight Marine Services.

21 Q Do you know what would happen to the Olympic Tug & Barge
22 boats -- these are tugboats?

23 A Yes.

24 Q Do you know what would happen to them after they'd be used
25 by Westoil Marine?

1 A They would go back to Olympic Tug & Barge and resume work
2 with whatever they needed them for.

3 Q Who had maintained those Olympic Tug & Barge boats when
4 they were being used by Westoil Services?

5 A Westoil Marine employees and Shoreside employees.

6 Q Did these --

7 JUDGE SANDROM: I think somebody has to put on their mic
8 because we like animals, but we don't necessarily want to hear
9 a dog barking.

10 MR. RIMBACH: I apologize. That's my animal.

11 JUDGE SANDROM: Mr. Hilgenfeld?

12 MR. HILGENFELD: Just wondering if we get close to a good
13 mid-morning break here.

14 JUDGE SANDROM: All right. Maybe we can go till -- five
15 minutes and then we'll take a morning break.

16 MR. HILGENFELD: Thank you.

17 Q BY MR. RIMBACH: Did these Olympic Tug & Barge tugboats
18 have any company name on them?

19 A I believe so. I believe they had Olympic Tug & Barge. It
20 was all the -- all the emblems for the company were the -- I
21 mean, for the -- for Centerline were the same -- or you know,
22 and then the name on the bottom would be different. I believe
23 the Olympic Tug & Barge boats had Olympic Tug & Barge on it and
24 like Westoil had the same emblem and it just said, Westoil.

25 JUDGE SANDROM: Okay. Mr. Buzard, just one thing. If --

1 if you believe something -- you know, you have a recollection
2 of something, you believe something happened -- you know, was a
3 fact, that's fine. But if you don't recall, that's fine, too,
4 so if you don't know, you can say so. You --

5 THE WITNESS: Okay.

6 JUDGE SANDROM: -- don't have to always give an -- an
7 answer that -- you know, might be a yes, you can -- if you
8 don't remember something or you don't know something, you can
9 just say so.

10 THE WITNESS: Okay.

11 Q BY MR. RIMBACH: And the emblem you are referring to is
12 what emblem?

13 A It was a triangle with a barge and a tugboat next to it,
14 kind of incorporated. And then underneath, it said, the name
15 of the company.

16 Q Okay.

17 MR. RIMBACH: This may be a good stopping point before my
18 next line of --

19 JUDGE SANDROM: All right.

20 MR. RIMBACH: -- questioning, Your Honor.

21 JUDGE SANDROM: You want to take maybe ten minutes, so why
22 don't we come back at 11- -- 11:26 -- that's not -- 10:26 your
23 time. I'll see everybody back in ten minutes.

24 (Off the record at 10:27 a.m.)

25 **RESUMED DIRECT EXAMINATION**

1 Q BY MR. RIMBACH: Going back real quick to the dispatchers,
2 do you recall what domain address was in their email
3 addresses -- or that are in their email addresses?

4 A I believe it says Leo Marine Dispatch. I'm -- yeah, it
5 says Leo Marine dispatch.

6 Q And those email addresses are used for both Westoil and
7 Leo Marine?

8 A Correct.

9 Q And what does it say after the at in those email addresses
10 if you recall?

11 A Centerline -- Centerline Logistics or -- I don't recall
12 the exact, but it says Centerline.com --
13 CenterlineLogistics.com.

14 Q Now, going back to your position with Westoil Marine
15 Services, most recently, while you were there, did you service
16 specific customers?

17 A Yes.

18 Q Do you recall which customers?

19 A There was a few. There was Glencore or Chemoil, was what
20 it was called before, Marathon, PBF, Exxon, Peninsula -- I
21 don't know if I said peninsula yet, and a few other companies.

22 JUDGE SANDROM: Was there any main customer or -- or were
23 there -- was it just work among them?

24 THE WITNESS: Yeah. It was just work among them. We --
25 we serviced them all.

1 Q BY MR. RIMBACH: What is PBF?

2 A It's an oil company terminal.

3 Q And you mentioned Glencore. I'd like to ask you what
4 percent of the work performed by Westoil Marine Services was
5 for Glencore?

6 JUDGE SANDROM: Mr. Hill -- I think Mr. Hilgenfeld has an
7 objection. What's that?

8 MR. HILGENFELD: There's absolutely no way Mr. Buzard's
9 going to know what other people are doing when it isn't -- he
10 may know what he did, but he's not going to know what the
11 company or other employees did.

12 JUDGE SANDROM: Well, I -- I think we had this yesterday
13 as well. I think Mr. Rimbach can ask him and then it's -- it's
14 up to the General Counsel to show that the witness has the
15 proper knowledge in order for it to be considered. But I think
16 he can ask him the question and then we can determine if the
17 foundation is sufficient.

18 Go ahead.

19 Q BY MR. RIMBACH: Do you know what percent of the work
20 performed by Westoil Marine Services was for (audio
21 interference)?

22 A It all varied depending on how much oil they were moving
23 to ships. Like, during the summer, we have a lot of cruise
24 ships and Glencore did a lot of the -- sold a lot of the oil to
25 the cruise ships. So during the summer months, it might have

1 been -- you know, 50, 60 percent, and then when the cruise
2 ships weren't coming into port -- you know, it would drop down
3 to 20, 25 percent or --

4 JUDGE SANDROM: Okay. Well, I do think it'd be hard for
5 the witness to really have a handle in terms of the percentages
6 (indiscernible).

7 Q BY MR. RIMBACH: How do you know those numbers?

8 JUDGE SANDROM: Would you repeat that? I --

9 MR. RIMBACH: Oh, sure.

10 Q BY MR. RIMBACH: How do you know that? What is the basis
11 for your knowledge with respect to what percent of the work
12 that Westoil was performing for Glencore?

13 A Just the amount of barges that were going in and out of
14 the terminal. You know, during the summer months there was a
15 lot of work going in and out from the terminal to cruise ships
16 and stuff like that. You know, we moved a lot of stuff into --
17 in and out of Glencore at certain times of the year.

18 Q Did you personally observe this?

19 A Yes.

20 Q Could you see the dispatch assignments for each day?

21 A Yes.

22 Q Was this reflected in those dispatch assignments?

23 A I'm sorry. Can you --

24 Q Was this reflected in the dispatch assignments for you to
25 be able to tell what percent of the work was per -- was being

1 performed for Glencore?

2 A Yeah. We -- you know, you could see where -- what each
3 tugboat was doing, and what jobs were at for your shift, you
4 know, throughout the 12-hour shift.

5 Q What exactly is Glencore?

6 A Glencore is a company that transfers or sells oil to the
7 ships.

8 JUDGE SANDROM: What industry? Hilgenfeld has another
9 objection.

10 MR. HILGENFELD: It means -- I would just raise an ongoing
11 objection. There's simply no way that Mr. Buzard is going to
12 have knowledge or information as to what other barges or tugs
13 are doing. He may be able to testify to where his tug went,
14 but he's not even a tankerman who's certifying the amount of
15 fuel that goes onto these barges. This is pure guesswork on
16 here, and so we'd just make an ongoing objection on that issue.

17 JUDGE SANDROM: All right. And so noted. I think that --
18 it may be a point well taken, but I'll consider it in weighing
19 the -- the evidence. But I mean it -- I'm not sure that he's
20 been able to answer -- you know, the -- the relation -- the
21 exact status of other companies. That -- that's basically a
22 legal kind of conclusion. I mean, he can say his understanding
23 of it, but that is not really definitive as far as the company
24 status.

25 Go ahead.

1 Q BY MR. RIMBACH: Do you know how long Westoil Marine
2 Services had been performing work for Glencore?

3 A For as long as I had been at Westoil.

4 JUDGE SANDROM: When did you --

5 A 12 years.

6 JUDGE SANDROM: 12 years you were there?

7 THE WITNESS: Yeah, I believe so.

8 Q BY MR. RIMBACH: I believe your testimony was that you
9 started working for Westoil Marine Services in about 2008; is
10 that right?

11 A Yes, that's correct.

12 Q Okay. Where was the Glencore terminal located -- or where
13 is the --

14 A That --

15 Q -- is the Glencore terminal located?

16 A It's in Long Beach. I don't know the exact address, but
17 the berth number is 211A and 209.

18 Q When you say Long Beach, that's the Long Beach Harbor?

19 A Yes.

20 JUDGE SANDROM: The same harbor that was shown on the map?

21 THE WITNESS: Yeah. There was part of Long Beach in
22 there.

23 JUDGE SANDROM: Remember, you got to say, yes --

24 THE WITNESS: Okay. Sorry. Yes.

25 JUDGE SANDROM: -- rather than yeah. Thank you.

1 Q BY MR. RIMBACH: When did you stop working for Westoil
2 Marine Services?

3 A March of last year.

4 Q Why did your employment with Westoil Marine Services end?

5 JUDGE SANDROM: All right. I think we're getting
6 cumulative at this point. We've already had witness testimony
7 about what notice they received, and then it was extended, and
8 then when they went to work for Leo Marine. And I -- I don't
9 believe those facts are controverted; isn't that correct, Mr.
10 Hilgenfeld?

11 MR. RIMBACH: I'm sorry, Your Honor. This is a Westoil
12 Services' employee, not --

13 JUDGE SANDROM: Oh --

14 MR. RIMBACH: -- the previous employees were from Foss
15 Maritime.

16 JUDGE SANDROM: Oh, okay. I know some of them are
17 confusing.

18 MR. RIMBACH: Yeah. I apologize for --

19 JUDGE SANDROM: No.

20 MR. RIMBACH: -- the confusion.

21 JUDGE SANDROM: That's all right. I know we're -- we have
22 various companies, so it can get somewhat confusing. So
23 we're -- we're talking about a different transition. Okay.

24 MR. RIMBACH: Yes, Your Honor.

25 JUDGE SANDROM: Go ahead.

1 MR. RIMBACH: And just for the record, Westoil Marine
2 Services and Leo Marine Services are both asserted to be a
3 single-employee owner --

4 JUDGE SANDROM: Right -- I --

5 MR. RIMBACH: -- entities.

6 JUDGE SANDROM: Right. That I understand. I had -- had
7 already stated that we would not take evidence regarding
8 Centerline or OTP (sic) and Leo Marine as such, but I know
9 there's an overlap when we're dealing with their relationship
10 if we take them as a single employer with Westoil and Harley,
11 so you know, there's going to be an overlap, but go ahead.

12 MR. RIMBACH: Thank you, Your Honor. And my apologies,
13 too, because I get the names of these companies confused
14 sometimes as well, so please correct me if -- if I do that.

15 Q BY MR. RIMBACH: Do you know why you were laid off from
16 Westoil Marine Services?

17 A They -- they were dropping the barges and tugs down to
18 one -- one or two barges and one tug, and so that would
19 essentially take me off of my schedule, so I would be moved
20 back to what they call a casual employee.

21 Q When you say move down to one barge and one tug, who is
22 they? Can you be --

23 A Westoil.

24 Q -- describe that? Oh, I'm sorry. Can you --

25 A Westoil Marine Services.

1 Q Okay. And do you have any understanding of where the
2 other equipment was going?

3 A I'm sorry. Can you repeat that question?

4 Q Sure. Do you know where the other equipment of Westoil
5 Marine Services was going?

6 A Yeah. It was going over to -- sorry, yes. It was going
7 over to Leo Marine Services.

8 JUDGE SANDROM: And who -- who told you that you were
9 being laid off from Westoil?

10 THE WITNESS: I got a -- I -- it wasn't a layoff. I
11 was --

12 JUDGE SANDROM: Oh --

13 THE WITNESS: -- just taken off a schedule. And I was
14 sent a letter from Sally Halfon saying that my -- this is my
15 ten-day notice of being removed from schedule and I was going
16 to be going back to an on-call employee.

17 JUDGE SANDROM: And do we -- do we have her spelling in
18 the record, Mr. Rimbach? I'm not sure.

19 MR. RIMBACH: Yes, Your Honor. And -- and I'll be
20 entering that document into evidence --

21 JUDGE SANDROM: Okay.

22 MR. RIMBACH: -- as well.

23 JUDGE SANDROM: But do -- but is it spelled on the record,
24 her name, you say it is?

25 MR. RIMBACH: Sally Halfon, H-A-L-F-O-N --

1 JUDGE SANDROM: Okay.

2 MR. RIMBACH: -- first name, S-A-L-L-Y.

3 JUDGE SANDROM: Well, do you have the letter available
4 where it might be faster just to pull it up and ask him if he
5 identifies him and that would answer some questions about what
6 was said in -- you know, to him.

7 MR. RIMBACH: Oh, sure. I'm not there quite yet but I
8 ca --

9 JUDGE SANDROM: Right.

10 MR. RIMBACH: -- I can if you would like.

11 JUDGE SANDROM: Well, if you -- if you're going to ask him
12 any more questions on that subject, if not, you can go ahead
13 and then tie it up afterward.

14 MR. RIMBACH: Okay.

15 Q BY MR. RIMBACH: Well, are you familiar with the company
16 called Saltchuk?

17 A Yes.

18 Q How are you familiar with that company?

19 A It's another company that owns some tugboats in the
20 harbor.

21 Q Okay.

22 JUDGE SANDROM: And -- and Mr. Buzard, just so we -- we
23 have it on the record, did you have any conversations with
24 anybody with Westoil before you received that letter that you
25 referred to?

1 THE WITNESS: Not --

2 JUDGE SANDROM: You don't --

3 THE WITNESS: -- nec -- are you referring to like any
4 managers or anything?

5 JUDGE SANDROM: Yes. Any -- any representative of Westoil
6 concerning --

7 THE WITNESS: No.

8 JUDGE SANDROM: -- that?

9 Q BY MR. RIMBACH: Are you familiar with any transaction
10 between Saltchuk and Centerline?

11 A Yes. So when -- when I got the layoff notice or removal
12 of schedule notice a -- I have a couple of friends that work
13 for one of the Saltchuk companies, and they had mentioned to me
14 that there was an acquisition that we were getting their bunker
15 barges and they were getting our ship-assist tugboats and
16 contracts, so that's when I got the layoff notice. I put two
17 and two together and realized that -- that Westoil was only
18 going to have the one boat and a couple of barges, so I
19 wouldn't be getting much -- much work.

20 JUDGE SANDROM: All right. I mean, that -- that is
21 hearsay.

22 MR. RIMBACH: Yes, Your Honor.

23 JUDGE SANDROM: That --

24 MR. RIMBACH: It's just going to effect on the listener.

25 JUDGE SANDROM: All right. Good because that wouldn't be

1 really strong as far as evidentiary value. But if -- if you're
2 going to use it as a predicate, that's fine.

3 MR. RIMBACH: Understood.

4 Q BY MR. RIMBACH: About when did you hear of this
5 transaction?

6 A Sometime in December of 2020, like, the last part of
7 December.

8 Q Did you ever receive any notice directly from Centerline
9 or Westoil Marine Services -- did you ever receive any
10 communications from those entities about this transaction?

11 A Not personally. On their website, it was stated that they
12 were acquiring the bunker barges to add to their fleet, but it
13 didn't mention anything about the tugboats going over to
14 Saltchuk.

15 JUDGE SANDROM: Do -- do we have anything documentary to
16 mature that, Mr. Rimbach?

17 MR. RIMBACH: Do through this witness, Your Honor.

18 JUDGE SANDROM: All right.

19 MR. RIMBACH: Yeah. It'll just be supplemental evidence.

20 JUDGE SANDROM: Did you take any action after hearing any
21 of that information? Mr. Buzard, did you contact anybody with
22 the Westoil, anyone else in a company-management role about
23 that?

24 THE WITNESS: No, sir, I did not.

25 Q BY MR. RIMBACH: Now, when you learned that your work

1 might be at risk, or your job might be at risk, did you do
2 anything after that?

3 A Yeah. A few weeks later or actually about a month later
4 or so I applied for -- I went on LinkedIn or one of those
5 websites and I saw that Centerline was hiring for engineers and
6 deckhands and captains in their SoCal Division, so I put an
7 application in.

8 Q Did you apply for a specific position with respect to a
9 job title?

10 A Yeah. I applied for the captain position and the deck
11 engineer in Southern California.

12 Q About when did you fill it out?

13 JUDGE SANDROM: Right. Mr. Rimbach, are you planning to
14 introduce documents on one of these lines?

15 MR. RIMBACH: No, Your Honor, I don't believe this witness
16 retained a copy of that application.

17 JUDGE SANDROM: I see. I see. All right. Go ahead.

18 Q BY MR. RIMBACH: Did you --

19 A I'm sorry. Can you repe --

20 JUDGE SANDROM: Right. We're going to -- I think he's
21 going to go back over your application.

22 THE WITNESS: Oh.

23 Q BY MR. RIMBACH: Yeah. Sorry. I believe your testimony
24 was you applied specifically for a deckhand and captain
25 position. Were there two -- were those two separate

1 applications or just one if you remember?

2 A It was just one. It was -- I believe.

3 Q And the specific location was for Southern California, you
4 said?

5 A Yes.

6 Q When you applied, did it say any other company name that
7 you recall other than the Centerline?

8 A I don't recall.

9 Q Okay. About when did you fill this application out?

10 A Sometime in the middle of February.

11 Q And is that also when you submitted it?

12 A Yes.

13 Q And what is your understanding of the position location
14 when it said Southern California?

15 A I -- I assumed it would be -- you know, the same terminal
16 we were -- or berth we were at.

17 JUDGE SANDROM: Mr. Hilgenfeld, you have your hand up.

18 MR. HILGENFELD: Mr. Buzard's assumption is not relevant.

19 I think he can testify to what he saw, what he -- what he
20 under -- what he read, but what he was assuming is not relevant
21 to what was provided.

22 JUDGE SANDROM: I -- I agree. So I'll sustain the
23 objection although the answers on the record.

24 Q BY MR. RIMBACH: Why did you apply to a new job through
25 Centerline?

1 A Because I knew that my work hours would be drastically
2 reduced, since there wasn't going to be the amount of tugboats
3 and barges that we had before. And you know, I was low down --
4 lower on the seniority list, so I knew I wouldn't be getting as
5 much work as I was used to or needed.

6 JUDGE SANDROM: So -- so did you stay with Westoil in this
7 transition period? In other words, you say they were going to
8 change your position?

9 THE WITNESS: Yes.

10 JUDGE SANDROM: And --

11 THE WITNESS: So --

12 JUDGE SANDROM: And we don't -- so when -- when -- did you
13 actually continue to work for Westoil in that new position, or
14 did you switch over before that --

15 THE WITNESS: No, I --

16 JUDGE SANDROM: -- took place?

17 THE WITNESS: Yeah. I switched over before that took
18 place. My -- my last day on schedule was supposed to be March
19 1st of 2020, and I -- I put the application in before that and
20 switched over.

21 JUDGE SANDROM: I see.

22 Q BY MR. RIMBACH: Oh, you mean 2021?

23 A 2021 -- I'm sorry. Yes, 2021.

24 Q And when you say you were on a schedule, what's the
25 difference between being on a schedule versus not being on a

1 schedule?

2 A So on -- on a schedule, you know what hours you're going
3 to be working. All your hours and days are set. So since we
4 do five-on, five-off -- you know, you pretty much know what
5 your schedule is for the year and what hours you're going to be
6 working and on-call is -- or casual, they call it, is you know,
7 they just call you as needed. So you might work at 10:00
8 tonight and then be off tomorrow and then work 3 in the morning
9 the next day. You know, you -- you don't have a -- a set
10 schedule. You work all hours and days of the year.

11 JUDGE SANDROM: So -- so basically you -- you fill in
12 for -- as needed, but you don't have any regular schedule.

13 THE WITNESS: Yes, correct.

14 Q BY MR. RIMBACH: When you were a regularly scheduled
15 employee, were those hours guaranteed --

16 A Yes.

17 Q -- or consistent?

18 A Yes.

19 Q Okay. Do you know -- do you recall how many hours that
20 was when you were with Westoil Marine Services?

21 A It was 180 hours guaranteed a month.

22 Q Did you work more than that?

23 A Yeah. Depending on the way the schedule worked out,
24 sometimes it would be more.

25 Q Do you recall generally how many additional hours -- like,



1 what would that range be?

2 A I -- anywhere from 2 hours to maybe 12 or 14 hours over.

3 Q In one month?

4 A Yeah.

5 JUDGE SANDROM: Remember, you got to say yes.

6 THE WITNESS: Sorry. Sorry.

7 A Yes.

8 Q BY MR. RIMBACH: After you applied for the job through the
9 Centerline LinkedIn posting, did you hear about it?

10 A Yes, I did.

11 Q Do you recall about when you heard back?

12 A February 16th, I believe, or 17th, somewhere in the middle
13 of February.

14 Q About -- who did you hear back from?

15 A Michael Castagnola.

16 Q Do you know who he was at the time?

17 A Yeah. He was the -- yes. He was the port engineer for
18 Westoil Marine Services.

19 Q And did you -- how did you receive -- was it a call or was
20 it an email?

21 A He -- he called me at first and said that they had seen my
22 application and wanted to offer me the position and asked if I
23 wanted to accept it. And I said I would like to see what they
24 were offering. And he said he would have an offer letter to me
25 the next day -- or that afternoon.

1 Q Do you recall what else was said -- said at that
2 discussion?

3 A I don't recall.

4 Q Was the issue of pay --

5 JUDGE SANDROM: Oh, I think -- I think you have to ask him
6 if he recalls anything else and then --

7 MR. RIMBACH: Okay.

8 JUDGE SANDROM: -- you can make -- for the record. Do
9 you -- do you recall anything else in that conversation?

10 THE WITNESS: Yes. Sorry. I asked if the -- what the pay
11 would be, and he said it wouldn't be much of a difference from
12 what we were making at Westoil. And then that's when he said
13 he would have an offer letter to me that afternoon.

14 JUDGE SANDROM: Oh, in that conversation, did he say for
15 who you would be working?

16 THE WITNESS: I don't recall.

17 JUDGE SANDROM: All right.

18 Q BY MR. RIMBACH: Do you recall anything else Mr.
19 Castagnola said?

20 A I don't recall anything else.

21 Q Okay. Did he discuss anything with respect to where you
22 would be working?

23 A Well when I got the offer letter --

24 JUDGE SANDROM: All right. We don't jump ahead.

25 THE WITNESS: Oh, sorry.

1 JUDGE SANDROM: This is just a conversation as best as you
2 remember it.

3 MR. RIMBACH: Sure.

4 A He -- he told me I'd be working in San Francisco for the
5 short-term. And I had heard that there was a --

6 JUDGE SANDROM: Wait one second. Just -- you know, it
7 gets confusing if you digress or go into other conversations.
8 So right now, it's just this conversation, what was said.

9 A Okay. Yeah. He -- he did tell me I would be working in
10 San Francisco for the short -- short-term, that I would be
11 coming back to Los Angeles. And I asked him why I would be
12 going to San Francisco since I applied for Southern California,
13 and he said that it had to do with the IBU being able to claim
14 jurisdiction over the boats if they had a bunch of Westoil
15 employees switch over and start working for the new company, so
16 it would be San Francisco for two or three months. And then I
17 would be coming back to Southern California.

18 Q BY MR. RIMBACH: Was the job title discussed at this
19 meeting?

20 A It was for the deckhand-engineer position.

21 Q Was that the same position that you had with Westoil
22 Marine Services?

23 A Yes.

24 Q Okay. At this time, do you recall anything further from
25 that conversation with Mr. Castagnola?

1 A I don't recall.

2 Q And you mentioned that he stated he would send this job
3 offer in writing. Did you receive something in writing?

4 A Yes, through email.

5 Q I'd like to show you what's marked as GC Exhibit 23,
6 consisting of 21 pages. It's an email dated February 19th,
7 2021, from Sally Halfon to you with -- with nine PDF
8 attachments that are included in this exhibit following the
9 email. So pages 1 and 2 are the email itself, and I'll -- I'd
10 just like to scroll down real quick, if you could confirm that
11 you recognize this document? Let me know if I'm scrolling too
12 fast.

13 A Yes, I recognize that.

14 Q I'll just scroll down to the end, just to be sure. I hope
15 I'm not giving anyone vertigo.

16 JUDGE SANDROM: As long as the witness can --

17 MR. RIMBACH: Okay.

18 JUDGE SANDROM: -- see it, but.

19 Q BY MR. RIMBACH: And so now, this is page 21 of 21. Did
20 you recognize the following PDFs -- the following pages,
21 starting on page 3 as the attachments to this February 19th,
22 2021, email?

23 A Yes, I do.

24 JUDGE SANDROM: All right. Mr. Hilgenfeld, do you have
25 any voir dire or objections to the document?



1 MR. HILGENFELD: No, Your Honor.

2 JUDGE SANDROM: It is received.

3 **(General Counsel Exhibit Number 23 Received into Evidence)**

4 Q BY MR. RIMBACH: Now, directing your attention to the top
5 of page 2, do you know who Sally Halfon worked for, the
6 company?

7 A Centerline.

8 Q Did you interact with her at all when you were with
9 Westoil Marine Services?

10 A Yes, I did.

11 Q Do you know where she works physically?

12 A Oh, it's --

13 JUDGE SANDROM: Well -- all right. I -- I think it says
14 on the document. It gives an office address, unless there's
15 contrary evidence, we'll assume that was her address, at least
16 at the time.

17 MR. RIMBACH: Sure. Thank you.

18 JUDGE SANDROM: Spokane Street in Seattle.

19 Q BY MR. RIMBACH: When you were employed --

20 JUDGE SANDROM: All right. The full -- the full address
21 is in the -- in the document.

22 Go ahead.

23 MR. RIMBACH: Thank you. I withdraw that question.

24 Q BY MR. RIMBACH: When you were employed by Westoil Marine
25 Services, what did you interact with Sally Halfon about?

1 A She was who we called about -- like, if we had to get any
2 kind of physical or respirator-fit test or anything, we would
3 call her, and she would set up the appointment. We also called
4 her -- or I also called her about like my sea-time letter for
5 the Coast Guard. She would get the sea-time letter and
6 everything for us. And if we had any questions about payroll,
7 she would put us in contact with the payroll department or try
8 to get it sorted out.

9 JUDGE SANDROM: And when -- when you were at Westoil, was
10 there a -- an HR office physically located in Long Beach or
11 L.A.?

12 THE WITNESS: No.

13 JUDGE SANDROM: So -- so at -- when you worked for
14 Westoil, the HR matters were handled out of Seattle?

15 THE WITNESS: Yes, correct.

16 Q BY MR. RIMBACH: You mentioned that you contacted her
17 about your physical. What is that for?

18 A Per the Coast Guard, you have to have a physical every
19 couple of years and show that you're physically fit to do the
20 work -- you know, the strenuous work on the boats and barges.
21 So every year or two, we'd have to go in and do a physical and
22 then also a respirator-fit test. You know, you have to have a
23 respirator just in case -- unless you're pain -- you know, if
24 you're painting or sanding, you got to put a respirator on,
25 protect yourself. So we had to get fit-tested for that as

1 well --

2 JUDGE SANDROM: Mr. --

3 A -- every year.

4 JUDGE SANDROM: Mr. Hilgenfeld?

5 MR. HILGENFELD: I don't think it's -- I mean, it's not
6 contested that back of the office support occurred at
7 Centerline -- HR support occurred at Centerline. We just seem
8 to be spending a lot of additional --

9 JUDGE SANDROM: All right.

10 MR. HILGENFELD: -- time on something that's not disputed.

11 JUDGE SANDROM: All right. Well, if -- if it's not
12 disputed, then we'll -- we'll take that as a stipulation and
13 receive it's -- and we don't need more testimony along that
14 line, so.

15 Q BY MR. RIMBACH: So I'd just like to ask what is -- what
16 is a sea-time letter?

17 A So per the Coast Guard, in order to get upgrade licenses
18 and get certain documents, you have to show that you were on
19 certain pieces of equipment for a certain amount of time and
20 then submit that to the Coast Guard. So it -- it would -- you
21 know, we would -- I would call her for sea-time letter, and she
22 would print out all the vessels I had been on, the amount of
23 hours I was on there, how many days. And then I would turn --
24 in return, send that to the Coast Guard in order to upgrade or
25 get documents.

1 JUDGE SANDROM: I want to clarify one thing. When you
2 filled out the application that you said stated it was
3 Centerline, I -- it's my understanding from your testimony that
4 you were still employed by Westoil and that -- or Westoil
5 representative was one who called you regarding the job offer?

6 THE WITNESS: Yes, correct.

7 Q BY MR. RIMBACH: I'm scrolling down to page 3 now. The
8 first line -- it states that it was an --

9 JUDGE SANDROM: I don't think, Mr. Rimbach, we need to go
10 over what's in the document; it speaks for itself.

11 MR. RIMBACH: Sure.

12 JUDGE SANDROM: If you want to go beyond what's in the
13 document, but we don't need you to read from the document.

14 Q BY MR. RIMBACH: Did you know that you were being offered
15 a job with Leo Marine Services like it states in this letter
16 before you received this email?

17 A No.

18 Q Did you know you'd be receiving a job offer from Olympic
19 Tug & Barge that's referenced in this letter?

20 A No, I did not.

21 MR. HILGENFELD: I believe that mischaracterizes the
22 letter. I mean, the letter speaks for itself. It doesn't say
23 there's a job offer from Olympic Tug & Barge; it says Leo
24 Marine's Olympic Tug & Barge company.

25 JUDGE SANDROM: Well, I mean, I --



1 MR. HILGENFELD: It speaks for itself.

2 JUDGE SANDROM: Right. It does -- I mean, it does
3 reference Olympic Tug & Barge, but it speaks for itself. And
4 I -- I would just note that the single-employer status of Leo
5 Marine and OTB, as far as I'm concerned at this point, has
6 already been adjudicated.

7 MR. HILGENFELD: I understand, Your Honor, but as a
8 matter -- just as a matter of law, Leo Marine --

9 JUDGE SANDROM: Yes.

10 MR. HILGENFELD: -- Services is a subsidiary of Olympic
11 Tug & Barge.

12 JUDGE SANDROM: But -- but again, the document does speak
13 for itself.

14 MR. HILGENFELD: It does.

15 JUDGE SANDROM: And the witness has testified that that
16 was the first time he was aware the employment would be with
17 Leo Marine.

18 THE WITNESS: Yes, correct.

19 Q BY MR. RIMBACH: When you are offered employment, prior to
20 this letter, was Leo Marine or Olympic Tug & Barge ever brought
21 up -- those -- the names of those entities?

22 A I'm sorry. Can you repeat the question?

23 Q Prior to receiving this job-offer letter, were the names
24 Leo Marine Services or Olympic Tug & Barge ever brought up?

25 A Not that I recall.

1 Q Have you ever heard of Olympic Tug & Barge before?

2 A Yes, I have.

3 Q Had you heard of Olympic Tug & Barge?

4 A That was -- is the Seattle-based company, another
5 Centerline company that -- that is based out of Seattle.

6 Q I know the document speaks to your -- to itself -- for
7 itself, but I'd like to just reference the rate of pay that was
8 being offered of \$30.17. What was your hourly rate of pay at
9 the time you received this letter when you were working for
10 Westoil Marine Services?

11 A It was 37 and some change. I'm not sure of the exact
12 amount.

13 Q I'd just like to direct your attention to the second
14 paragraph. It states your home port office would be in San
15 Francisco. What was your understanding about where the
16 position would be located?

17 A I'm sorry. Can you repeat that?

18 Q Sure. Is this accurate in terms of this job offer that
19 the job would be -- the home port office would be in San
20 Francisco?

21 JUDGE SANDRON: Well, wait. I mean, it does speak for
22 itself as to what it says. If you want to ask him what
23 happened or if he had conversations about that after he
24 received the offer, you can, but it does -- there's no question
25 about what it says.

1 Q BY MR. RIMBACH: Were you assigned to work -- did you
2 ultimately work in San Francisco?

3 A No, I did not.

4 JUDGE SANDRON: All right. Well, okay. Well, I think you
5 said, Mr. Buzard, that you accepted the job; is that correct?
6 Right?

7 THE WITNESS: Sorry. What --

8 JUDGE SANDRON: You -- you accepted a job -- the job
9 offer, or did you not? Maybe -- I don't want to --

10 THE WITNESS: I -- I didn't accept it right away. I ended
11 up accepting it, but I didn't accept it right away.

12 JUDGE SANDRON: And you accepted this job offer?

13 THE WITNESS: Yes.

14 JUDGE SANDRON: All right.

15 Q BY MR. RIMBACH: This letter also states your seniority
16 date was September 6th, 2009. What was that seniority date
17 for?

18 A That was when I got my seniority. In order to get your
19 seniority at Westoil, you had to get a certain amount of days,
20 I believe it was, before you were considered on the seniority
21 list from the Union. So before that, you were just a
22 probationary. So I got dispatched as a probationary in 2008,
23 and that's when I got my seniority and got put on the seniority
24 list.

25 JUDGE SANDRON: So -- so you carried over your seniority

1 from Westoil.

2 THE WITNESS: Yes. Correct.

3 Q BY MR. RIMBACH: And that's the accurate date, September
4 6th, 2009?

5 A Yes.

6 Q The letter also references SIU, Seafarers International
7 Union. Are you familiar with SIU?

8 A Yes, I am.

9 Q How are you familiar with SIU?

10 A They are another union that's in the harbor for some of
11 the tug -- some of the other tugboat companies are SIU.

12 Q And just one question. What are your impressions of SIU?

13 A I --

14 JUDGE SANDRON: All right. Mr. Hilgenfeld objects, but
15 I'll allow the one question.

16 THE WITNESS: I wasn't -- from what I had heard, it wasn't
17 a very good union for the workers.

18 JUDGE SANDRON: All right. And I see in the letter, it
19 goes on to say that you -- your accrued and unused PTO hours --
20 PT hours -- will be cashed out. So that didn't carry over
21 that?

22 THE WITNESS: No, it did not.

23 JUDGE SANDRON: But your seniority did.

24 THE WITNESS: Yes.

25 JUDGE SANDRON: Okay.



1 Q BY MR. RIMBACH: Prior to receiving this letter, were you
2 aware that you would be required to join SIU?

3 A No, I was not.

4 Q Was that ever discussed with any representative of
5 Centerline, Leo Marine, or Olympic Tug & Barge?

6 A No, it was not.

7 Q Prior to receiving this letter?

8 A Yeah, no.

9 Q Okay.

10 MR. RIMBACH: I don't need to go off the record, but if I
11 could just have one minute, Your Honor. We were provided
12 additional documents from the Employer yesterday, so I'd just
13 like to show this one document to the witness.

14 JUDGE SANDRON: All right. Fine. Go ahead.

15 Q BY MR. RIMBACH: Sorry. This is page 4 of one of the
16 attachments to the July -- the February 19th, 2021 email from
17 Sally Halfon. It's an -- states on-duty meal period agreement.
18 Do you recall whether you signed this?

19 A Yes, I did.

20 Q Okay. I'd like to show you GC Exhibit 157, which was just
21 turned over by the Respondents as part of the subpoenaed
22 documents. Is this your signature? It looks -- it appears to
23 be the same document?

24 A Yes.

25 Q It's a little hard to read, but can you tell what date

1 that is?

2 A I believe it's 2/23/21 or '22.

3 Q Did you submit this form to anyone?

4 A To Sally Halfon.

5 MR. RIMBACH: I'd like to offer GC Exhibit 157 into
6 evidence.

7 JUDGE SANDRON: Any objection?

8 MR. HILGENFELD: No objection.

9 JUDGE SANDRON: The document is received.

10 **(General Counsel Exhibit Number 157 Received into Evidence)**

11 Q BY MR. RIMBACH: Did you speak to anyone about this on-
12 duty meal period agreement form?

13 A I don't recall.

14 Q I'd like to now show you GC Exhibit 24. It's an email
15 thread, but it's screenshot, it looks like, consisting of two
16 pages. I'd like to direct you to page 2 where the email thread
17 begins. Sorry. Can you see this document on your screen?

18 A Yes.

19 Q Do you recognize this email thread?

20 A Yes.

21 Q For the email dated February 20th, 2021, at 8:33 a.m., why
22 did you send this email to Michael Castagnola?

23 A That's because my -- when I got the job offer letter, it
24 said San Francisco. My time frame was kind of mixed up. When
25 he called me, he didn't say I would be in San Francisco. That



1 was after I received the job offer letter, and this is the
2 email I sent asking him why I would be in San Francisco. And
3 that's when he called me and told me it would be short-term
4 because of the IBU claiming jurisdiction and all that.

5 JUDGE SANDRON: So you had a second conversation with him
6 after the job offer?

7 THE WITNESS: Yes. That's -- that's the conversation I --
8 I mixed up and thought it was all one, but I had a second
9 conversation with him.

10 JUDGE SANDRON: And that was a -- a second phone
11 conversation, or was it contained --

12 THE WITNESS: I --

13 JUDGE SANDRON: Maybe you can scroll through this, Mr.
14 Rimbach. Was it -- was the discussion in this or was it by
15 phone, if you recall?

16 THE WITNESS: I don't recall if it was by phone or in
17 person. I might have asked him while I was at the dock. I
18 don't recall if it was by phone or in person.

19 JUDGE SANDRON: But it was -- but it was after this --
20 this exchange.

21 THE WITNESS: Yes.

22 JUDGE SANDRON: Okay. That's page 2. Can you go ahead
23 and scroll up to page 1 just to -- or is that just a --

24 MR. RIMBACH: It's -- there's -- sorry. There's two
25 emails that are part of this email thread. The screenshots

1 aren't the best, but they capture both emails, so I apologize
2 for --

3 JUDGE SANDRON: I see.

4 MR. RIMBACH: -- the format. This is --

5 JUDGE SANDRON: I see.

6 MR. RIMBACH: -- by email.

7 JUDGE SANDRON: Oh. Okay. So there was one from the
8 witness to Mr. Castagnola, and then Mr. Castagnola replied to
9 it. And there are only two, then, communications? A
10 question --

11 MR. RIMBACH: Yes, Your Honor.

12 JUDGE SANDRON: -- question and an answer. Okay.

13 Mr. Hilgenfeld, any questions or --

14 MR. HILGENFELD: Sorry. I was --

15 JUDGE SANDRON: -- or objections?

16 MR. HILGENFELD: No quest -- no questions from me. I
17 wasn't -- I wasn't aware that it was offered. Has it been
18 off -- offered?

19 MR. RIMBACH: I can offer it now. I'd like to offer --

20 MR. HILGENFELD: I didn't -- I just did -- I thought you
21 were just (indiscernible).

22 JUDGE SANDRON: No, you're right. It wasn't offered. I
23 saved Mr. Rimbach the trouble. I assumed he was going to offer
24 it.

25 MR. RIMBACH: Thank you. I would like to offer GC Exhibit

1 24, Your Honor.

2 MR. HILGENFELD: No objection.

3 JUDGE SANDRON: I'm just trying -- okay. I'm just trying
4 to move things along a little bit.

5 MR. RIMBACH: Yes.

6 JUDGE SANDRON: Okay. It's received.

7 **(General Counsel Exhibit Number 24 Received into Evidence)**

8 Q BY MR. RIMBACH: In Mr. Castagnola's reply to you, it
9 states a shift or two. Do you know what that is referring to?

10 A Yes. Up in San Francisco, they're all liveaboard boats,
11 so meaning you -- you don't get off and go home at the end of
12 your 12 hours. You live on the boat, and they do two weeks on,
13 two weeks off. So when he said a shift or two, that would be,
14 you know, for a two-week shift and then come home for two weeks
15 and then another two-week shift up in San Francisco.

16 JUDGE SANDRON: I see. So --

17 MR. RIMBACH: So when --

18 JUDGE SANDRON: Oh. Sorry.

19 MR. RIMBACH: Go ahead.

20 JUDGE SANDRON: Go ahead.

21 Q BY MR. RIMBACH: So when it says a shift in San Francisco,
22 your understanding is that that's a two-week period, not one
23 day, as you would normally understand it to be?

24 A Yes.

25 Q Okay. And then loveaboard, is that a typo, then? I

1 believe you said it's supposed to be a liveaboard.

2 A Yes, that's a typo.

3 Q And what's the difference --

4 JUDGE SANDRON: So --

5 MR. RIMBACH: Oh.

6 JUDGE SANDRON: Oh. So you -- you understood this would
7 be you'd be up in San Francisco for basically four weeks?

8 THE WITNESS: Yes, roughly.

9 MR. RIMBACH: And --

10 JUDGE SANDRON: Or I should say a shift is two weeks, so
11 it was maybe two weeks to a month was what it would have been.

12 THE WITNESS: Yeah. So I -- I figured it would be a two-
13 week shift and then I'd come home for two weeks and then I'd go
14 back up for another two weeks. So a month and a half.

15 JUDGE SANDRON: Just so I make sure I understand, a shift
16 is how long?

17 THE WITNESS: Two weeks.

18 JUDGE SANDRON: Two weeks.

19 THE WITNESS: Yeah. So I go up for two weeks and then I'd
20 be off for two weeks and then I'd go up for another two weeks.
21 So four weeks up in San Francisco, total.

22 Q BY MR. RIMBACH: And what's the difference between the
23 liveaboard boats and the day boats that's -- that are
24 referenced here in Los Angeles?

25 A Liveaboard, like I said, you -- you stay on the boat. So

1 when you're done with your 12-hour shift, you eat, sleep, and
2 shower onboard the boat while it's doing other jobs. And day
3 boats is you come in for your 12 hours, do your shift or
4 your -- you know, your 12 hours, and then you go home and come
5 back the next day for your next 12 hours.

6 Q This email also states once the company is up and running.
7 Do you know whether Leo Marine was up and running as of
8 February 20th, 2021?

9 A They didn't -- I don't -- I don't -- I'm sorry. They
10 didn't have any equipment down here working because everything
11 was still being run through Westoil. So I'm not aware of if
12 they were up and running at the time of this email.

13 Q Do you know when Leo Marine was up and running in the Los
14 Angeles and Long Beach harbors?

15 A They started servicing oil contracts on March 1st.

16 Q How do you know that?

17 A That's when the -- the accusations (sic) -- or not --
18 the -- the equipment switch happened where the salt truck came
19 and grabbed our ship assist boats and the new push boats
20 actually started working.

21 Q And that was on March 1st, you said, of 2021?

22 A Yes.

23 JUDGE SANDRON: Do you want to pull down the document, Mr.
24 Rimbach?

25 MR. RIMBACH: Yes. Thank you.

1 Q BY MR. RIMBACH: How did you accept your job offer for Leo
2 Marine Services?

3 A I sent in the job offer letter sig -- signed.

4 Q Who did you send --

5 A Or all the paperwork.

6 Q Who did you send that to?

7 A Sally Halfon, and I don't recall if there was anybody else
8 I attached it to or not.

9 Q Do you discuss the -- your job acceptance with anyone?

10 A No, not that I recall.

11 JUDGE SANDRON: Let me just ask, did you send it by email
12 or -- or regular mail?

13 THE WITNESS: Through email.

14 Q BY MR. RIMBACH: Now you testified, I believe, that you
15 never actually worked in San Francisco. Can you explain why
16 not?

17 A Yeah. So I was scheduled to start my shift in San
18 Francisco, I believe, it was the middle of March sometime. I
19 don't remember the exact date. And then March 6th, I
20 believe -- sometime in the very beginning of March, Michael
21 Castagnola called me and told me that they were shorthanded
22 down here because they had hired some engineers from outside --
23 you know, not -- not old, former employees -- and they
24 didn't -- the captains didn't feel comfortable moving barges
25 and stuff with them. So they -- Michael said that they were

1 going to keep me down here and not send me to San Francisco
2 because they were shorthanded on competent engineers.

3 Q And when you say down here, what do you mean by down here?

4 A Oh, I'm sorry. Southern California. I was going to be
5 saying in Southern California.

6 Q And for what company?

7 A For Leo Marine Services.

8 JUDGE SANDRON: Was that by phone or -- or email?

9 THE WITNESS: That was a phone call.

10 Q BY MR. RIMBACH: And you received a job offer letter on
11 about February 19th, 2021, but do you recall about when you
12 accepted that job offer?

13 A It was whenever I sent it in, the 23rd or 22nd of
14 February.

15 Q Do you know when your last official day with Westoil
16 Marine Services was?

17 A I don't recall the exact date.

18 Q Do you recall about when?

19 A Sometime in the end of February. I was taken off sched --
20 my removal from schedule was March 1st, and my schedule, it
21 actually ended a little bit before that. I don't remember the
22 exact date, but that was my -- the last day of my schedule
23 before I got removed from schedule was my -- my last day.

24 Q Do you recall ever receiving -- I'm sorry. When you're
25 removed from the schedule, is that considered to be a layoff?

1 MR. HILGENFELD: Objection. Calls for a legal conclusion
2 on a contractual agreement issue.

3 JUDGE SANDRON: All right. Well, I'll let him answer it
4 if -- if he can lay a foundation after he answers.

5 THE WITNESS: I'm sorry. Oh.

6 JUDGE SANDRON: Yeah. Go ahead and answer. Why don't you
7 repeat it, and then we can see what the basis of his
8 understanding is and whether, you know, it constitutes
9 evidentiary value.

10 THE WITNESS: Okay. I wouldn't consider -- I mean, it was
11 a layoff, but not, like, a traditional layoff. I was just
12 getting moved to -- down to the casual on-call list. So I was
13 laid off from my schedule.

14 JUDGE SANDRON: And -- and you -- and on what did you base
15 that conclusion?

16 THE WITNESS: Because I was getting removed from my
17 schedule so I would no longer be -- you know, have a full-time
18 schedule. So I was laid off to the on-call list where I might
19 get, you know, half the amount of hours I was as I was on
20 schedule.

21 JUDGE SANDRON: Okay. I think he already had answered
22 that maybe in a different way earlier about the on-call versus
23 the regularly scheduled.

24 Q BY MR. RIMBACH: I'd like to show you GC Exhibit 48. It's
25 page 8. I don't know if you've seen this before, but do you

1 recognize whether you've seen this before? It's not addressed
2 to you, but it states -- it references your name and it
3 references Section 9.5, Advance Layoff Notice.

4 A Yeah.

5 Q Do you recognize this document? If you could just take
6 your time to read it carefully.

7 A Yeah. I don't recall if that's the exact document that I
8 got, but that's pretty much to the Union saying that I was
9 going to be removed from schedule.

10 JUDGE SANDRON: Okay. Well, all right. Well, have -- you
11 haven't act -- are you sure whether you've seen it actually, or
12 is this something that --

13 THE WITNESS: No, I haven't seen this one.

14 JUDGE SANDRON: All right.

15 THE WITNESS: But I'm not sure if this is the -- I -- I
16 don't recall if this is the same letter that I received. But
17 this one, I -- this actual document, I haven't.

18 JUDGE SANDRON: All right. Mr. Hilgenfeld, can we get a
19 stipulation that this document is authentic?

20 MR. HILGENFELD: We don't dispute its authenticity.

21 JUDGE SANDRON: All right. Any objection?

22 MR. HILGENFELD: We don't object to it, although I -- I
23 don't think this is on SharePoint.

24 MR. RIMBACH: I'm sorry. It's not, Your Honor. We'll --
25 we'll seek to offer this with a future witness.

1 JUDGE SANDRON: Well, I mean, have you seen it, Mr.
2 Hilgenfeld, the whole document?

3 MR. HILGENFELD: Well, it doesn't look that way because
4 this is page 8 of 10.

5 JUDGE SANDRON: Yeah. It's -- oh. All right.

6 MR. HILGENFELD: So --

7 JUDGE SANDRON: All right. Well, we can -- we can hold
8 off, then.

9 MR. RIMBACH: Okay. I can scroll through them now real
10 quick. There are just ten --

11 MR. HILGENFELD: I mean --

12 MR. RIMBACH: I'm sorry.

13 MR. HILGENFELD: I would say, Thomas, just send it to me.
14 I can look at it, and we can deal with it off the record.

15 MR. RIMBACH: All right.

16 JUDGE SANDRON: Sure, sure.

17 MR. RIMBACH: We'll --

18 JUDGE SANDRON: We can hold it. Okay. Fine.

19 MR. RIMBACH: No problem.

20 JUDGE SANDRON: We'll hold it off for the moment.

21 Q BY MR. RIMBACH: Now do you recall whether there were --
22 whether there was anyone else who was removed from the schedule
23 or laid off around the same time that you were removed or laid
24 off from the schedule around March 1st, 2021, from Westoil?

25 A Yes. I believe there was eight or ten other employees --

1 or eight or ten employees total that were laid off.

2 Q Do you recall their names?

3 A There was Nolan Padilla, myself, Raymond Blakeslee, Dain
4 Schmidt, Chad Milikan, Chris Sogliuzzo, John Costello, Mark
5 Aproda, and Matt Irvine, and I believe there was one more but I
6 don't recall the name.

7 JUDGE SANDRON: Did you want to spell those, Mr. Rimbach?

8 MR. RIMBACH: Sure. The first name was Nolan Padilla, N-
9 O-L-A-N. Last name Padilla, P-A-D-I-L-L-A. Second name is Ray
10 Blakeslee, R-A-Y B-L-A-K-E-S-L-E-E. Third is Dain Schmidt, D-
11 A-I-N S-C-H-M-I-D-T. Chad Milikan, C-H-A-D. Last name M-I-L-
12 I-K-A-N. Chris Sogliuzzo, C-H-R-I-S S-O-G-L-I-U-Z-Z-O. John
13 Costello, J-O-H-N C-O-S-T-E-L-L-O. Mark Aproda, M-A-R-K -A-P-
14 R-O-D-A. Matt Irvine, M-A-T-T I-R-V-I-N-E.

15 Q BY MR. RIMBACH: Do you know an individual named Clay
16 Holick?

17 A Yeah. I was just going to say the other one was Clay
18 Holick. It just came to me.

19 Q Okay.

20 JUDGE SANDRON: Can you spell that one as well?

21 MR. RIMBACH: Sure. C-L-A-Y. Last name, H-O-L-I-C-K.

22 JUDGE SANDRON: Okay. One thing I would suggest, I think
23 I mentioned it early on when we had our conference call,
24 stipulations can go a long way toward streamlining the hearing.
25 So if Counsels can agree that certain documents are authentic,

1 leaving aside the relevance issue, we can save a lot of time in
2 getting them into the record.

3 So -- and I would suggest that, and then also the
4 documents, generally speaking, are going to be more accurate
5 than witnesses' recollections of certain things. So you know,
6 when we adjourn to -- after we adjourn tomorrow, you know, I
7 would urge the parties to see what you can do as far as
8 stipulating to facts and/or documents. And again, I think that
9 would go a long way toward making the hearing itself more
10 streamlined and save us a lot of time on the record.

11 MR. RIMBACH: Yes. We'll make an effort to do so, Your
12 Honor. Thank you.

13 Q BY MR. RIMBACH: Do you know what happened to Nolan
14 Padilla's job status after March 1st, 2021?

15 A He was put back to the on-call list.

16 Q He was a -- were all of these folks regularly scheduled
17 employees?

18 JUDGE SANDRON: Well, hold on. How do you know -- how do
19 you know that, that he was put onto that list?

20 THE WITNESS: Oh. Because the -- we -- you know, we have
21 a seniority list. So when they -- they reduced the workforce,
22 there was one tugboat that was on schedule and one or two
23 barges that were on schedule, so that the top four engineers
24 were the engineers that were on schedule and the top four
25 tanker men were the four tanker men that were on schedule, and

1 everybody else below that would be brought down to the -- the
2 on-call list.

3 Q BY MR. RIMBACH: And so when you say he was moved to the
4 on-call list, that was from a -- a regularly scheduled -- a
5 regularly scheduled schedule, I guess, to casual or on-call
6 schedule?

7 A Yes.

8 JUDGE SANDRON: All right. So he was in the same position
9 as you were --

10 THE WITNESS: Yes.

11 JUDGE SANDRON: -- as far as --

12 THE WITNESS: Correct.

13 JUDGE SANDRON: -- going down, in a sense, in --

14 THE WITNESS: Yes. Correct.

15 JUDGE SANDRON: -- position.

16 Q BY MR. RIMBACH: And what about Ray Blakeslee?

17 A He -- same thing. He was removed -- or brought down to
18 the on-call list.

19 Q Okay. And -- and we're all of these folks that we
20 mentioned, they were regularly scheduled employees at that
21 time?

22 A Yes. Correct.

23 Q And what about Dain --

24 JUDGE SANDRON: So do -- this was on a list. You actually
25 saw a list that showed that?

1 THE WITNESS: I'm sorry. Can you repeat that?

2 JUDGE SANDRON: You actually saw a list that showed that?

3 THE WITNESS: Well, there's -- we have a seniority list --

4 JUDGE SANDRON: Right.

5 THE WITNESS: -- that is printed out every week -- or
6 every month, I'm sorry. So the -- the top -- each engineer
7 that was on schedule had, like, a -- it was yellow or green,
8 and then all the on-call people were a different color. So
9 the -- the scheduled engineers were one color, the scheduled
10 tanker men were a different color, and then the on-call
11 employees were a different color on that list.

12 JUDGE SANDRON: So you and the others that you mentioned
13 got the on-call color?

14 THE WITNESS: Yes. Correct.

15 JUDGE SANDRON: I think you had one more -- or more that
16 you wanted to mention, Mr. Rimbach.

17 MR. RIMBACH: Yes. I believe some of these employees'
18 statuses differ slightly, so I'd just like to go through them
19 briefly, if possible.

20 Q BY MR. RIMBACH: Do you know what happened to Dain
21 Schmidt's employment status?

22 A He was moved down to the on-call list, and then he ended
23 up finding other employment and he removed himself from the
24 list.

25 Q What about Chad Milikan?

1 A He was on the on-call list for a little while, and then he
2 got employment somewhere else and he was working both Westoil
3 and the other company. And then I think it got to be too much,
4 and he removed himself from the list.

5 Q What about Chris Sogliuzzo?

6 A He is still employed and on the on-call list.

7 Q What about John Castello?

8 A He got employment elsewhere. He was on the on-call list
9 for a while, and then he got employment a couple of months ago
10 and he left, removed himself --

11 Q What about --

12 A -- off the list.

13 Q What about Mark Aproda?

14 A He is still working for the company, and I'm not sure if
15 he's on schedule filling in for someone or if he's on the on-
16 call list.

17 Q What about Matt Irvine?

18 A He's on the on-call list.

19 Q And what about Clay Holick?

20 A He works for Leo Marine in San Francisco.

21 JUDGE SANDRON: All right. I realize some of this is
22 hearsay, but I don't think we need to go into a lot more
23 evidence on some of these points, you know, that would unduly
24 delay the the hearing, so at this point, we'll take what he
25 says. If it becomes important, then Mr. Hilgenfeld can provide

1 contrary evidence, and General Counsel can provide, you know,
2 further information, but I -- I don't think we want to go too
3 far collaterally.

4 MR. RIMBACH: Yes, Your Honor. Just one more question.

5 Q BY MR. RIMBACH: Did this reduction -- or being taken off
6 the schedule -- did this result in a loss of work hours?

7 A Yes, it did.

8 Q I'd like to now show you what's marked as GC Exhibit 25.
9 There's one page. It appears just to be an email from to Sally
10 Halfon dated March 3rd, 2021 and a response from Sally Halfon
11 on that same day. Do you recognize this email thread?

12 A Yes, I do.

13 JUDGE SANDRON: Do you offer it?

14 MR. RIMBACH: Yes, Your Honor. I'd like to offer GC
15 Exhibit 25 into evidence.

16 JUDGE SANDRON: Any objection?

17 MR. HILGENFELD: No objection.

18 JUDGE SANDRON: The document is received.

19 **(General Counsel Exhibit Number 25 Received into Evidence)**

20 Q BY MR. RIMBACH: I'd like -- like to just ask you, why did
21 you email a formal resignation from your Westoil Marine
22 position to Sally Halfon?

23 A I was told that in order for me to be employed by Leo
24 Marine, I would have to resign from Westoil, because they were
25 two different unions, and I couldn't hold -- I couldn't work

1 two different unions, so I couldn't work IBU and SIU. So I had
2 to resign from Westoil in order to obtain the employment from
3 Leo Marine. So this is my resignation that they required.

4 Q Who told you that?

5 A Michael Castagnola.

6 Q Were you informed of that on March 2nd, 2021, as it's
7 stated --

8 MR. HILGENFELD: Objection.

9 Q BY MR. RIMBACH: -- in this email?

10 JUDGE SANDRON: We're -- I think it speaks for itself.

11 MR. RIMBACH: Okay.

12 JUDGE SANDRON: Or I think we can ask him, was your
13 conversation with Mr. Castagnola by phone or was it by email?

14 THE WITNESS: By telephone.

15 JUDGE SANDRON: So -- and he called you, or you called
16 him?

17 THE WITNESS: I don't recall if I called him or if he
18 called me.

19 JUDGE SANDRON: And was that the first time you'd heard
20 anything about having to resign from Westoil, when your talked
21 to him?

22 THE WITNESS: Yes.

23 Q BY MR. RIMBACH: I just want the record to be clear, but
24 this email states that -- you referred to this letter of
25 resignation. Was there a separate letter, or is that just in

1 reference to this email itself?

2 A That was just in reference to this email. That was --
3 my -- the email was my resignation.

4 Q And scrolling up to Sally Halfon's email on March 3rd,
5 2021, do you know what these benefit enrollments is referring
6 to?

7 A The company benefit package.

8 Q Was there a change in the company benefits package when
9 you became employed by Leo Marine Services?

10 A Yes. When I was with the IBU, I was under the IBU
11 benefits, and when I switched over to Leo, I was under the
12 company benefit plan.

13 Q Okay. Did you have any lapse in benefits when you became
14 employed by Leo Marine Services?

15 A No, I did not.

16 Q When you began working for Leo Marine Services, where did
17 you report in March of 2021?

18 A LA301.

19 Q Was there an -- was there anything different about your
20 work location when you got there?

21 A No.

22 JUDGE SANDRON: You mean from where he worked at Westoil?

23 MR. RIMBACH: Yes.

24 Q BY MR. RIMBACH: Was there any difference between your
25 work location from the time you worked at Westoil Marine

1 Services and when you started with Leo Marine Services, when
2 you arrived in March of 2021 to work for Leo Marine Services?

3 JUDGE SANDRON: Mr. Hilgenfeld's got an objection.

4 MR. HILGENFELD: I do. It's just cumulative, and it's
5 been asked and answered a number of times from yesterday to
6 today.

7 JUDGE SANDRON: I don't recall whether the witness
8 specifically testified about that, but anyway, it's on the
9 record. Did he answer?

10 THE WITNESS: Yeah, I --

11 JUDGE SANDRON: Did you --

12 THE WITNESS: Yeah, no. Nothing had changed.

13 JUDGE SANDRON: All right.

14 Q BY MR. RIMBACH: With respect to who you reported to for
15 Leo Marine Services, did that remain the same, or was it
16 different?

17 A Yes, it was the same.

18 Q Who did you report to when you arrived to work for Leo
19 Marine Services?

20 A Michael Castagnola.

21 Q And what about the work you were performing for customers?
22 Did anything change with respect to the work you were
23 performing with customers when you started working for Leo
24 Marine Services, as opposed to Westoil Marine Services?

25 A No. The only difference was we weren't performing the

1 ship assist work anymore. It was just all the bunker barge
2 work.

3 Q Did anything change with respect to the work for Glencore?

4 A No, other than it was the -- the Glencore barges were
5 crewed by Leo Marine personnel and not Westoil personnel.

6 Q What were the work conditions like when you first started
7 working for Leo Marine Services?

8 A It was -- you know, the -- the boats were brand-new, so
9 there was a lot of getting acclimated to the -- the different
10 style boats. They were less maneuverable and less horsepower,
11 so there was a lot of trial-and-error things going on.

12 Q When was your first actual day for Leo Marine Services, if
13 you recall?

14 A At the beginning of March. I want to say March 7th or
15 6th.

16 Q Do you know who Doug Houghton is?

17 A Yes, I do.

18 Q Was he present when you were working for Leo Marine
19 Services?

20 A Yes.

21 Q In what capacity?

22 A I -- the vi -- I think he was the vice-president of the
23 West Coast.

24 Q Okay. Did he hold that same position when you were
25 working for Westoil Marine Services?

1 A He was the general manager, and I believe he got promoted
2 when it was -- while I was still at Westoil -- the vice-
3 president of West Coast operations.

4 Q What was he -- what company was he the general manager
5 for?

6 A Centerline.

7 MR. RIMBACH: Okay.

8 JUDGE SANDRON: I think we'd want, probably, more concrete
9 evidence than this holds, but anyway, the witnesses testified
10 about his knowledge.

11 Q BY MR. RIMBACH: Okay. Do you know who Anthony Lobro is?

12 A Yes, I do.

13 Q Who is he?

14 A He's the -- he was the barge -- barge coordinator.

15 Q Okay. For what company?

16 A For Westoil. He was for Westoil. I'm not -- I don't
17 recall who he's for now.

18 Q Okay.

19 JUDGE SANDRON: Do we have his spelling? We might. Do we
20 have that? Go ahead.

21 MR. RIMBACH: A-N-T-H-O-N-Y L-O-B-R-O.

22 JUDGE SANDRON: So -- or again, I -- I think some of this
23 could better be the basis of stipulation, as I assume on a
24 number of these matters, Mr. Hilgenfeld would not dispute
25 certain facts. And it might, as I say, you know, save us

1 considerable time in -- in terms of witness testimony and also
2 get more definitive evidence. But --

3 MR. RIMBACH: That's correct, Your Honor.

4 JUDGE SANDRON: You can go ahead with this witness.

5 MR. RIMBACH: Okay. So Mr. Hilgenfeld, do you stipulate
6 that Anthony Lobro is a supervisor agent for Leo Marine
7 Services, Olympic Tug & Barge, and Westoil Marine Services?

8 MR. HILGENFELD: Thomas, this -- Thomas, you need to send
9 me a list, so I can look at exactly --

10 MR. RIMBACH: Right.

11 MR. HILGENFELD: -- what you want with time frames. I'm
12 happy to do so, and I think a lot of this we can stipulate.

13 MR. RIMBACH: Right.

14 MR. HILGENFELD: But it is --

15 MR. RIMBACH: This was specifically denied in the amended
16 answer, so that's why I'm asking. All right. (Indiscernible,
17 simultaneous speech) --

18 MR. HILGENFELD: (Indiscernible, simultaneous speech) --

19 MR. RIMBACH: -- stipulate.

20 JUDGE SANDRON: All right.

21 MR. HILGENFELD: It's because he's with Westoil. He's not
22 with Leo. He is now with Centerline. If you want to send it
23 to us, I'm happy to --

24 MR. RIMBACH: No. No.

25 MR. HILGENFELD: -- explain.

1 JUDGE SANDRON: All right, why don't we -- maybe the
2 parties can see on what they -- I mean, I know there are some
3 disputed issues that will obviously not be resolved by
4 stipulation, but maybe as far as certain titles and periods of
5 time, you know, those can be stipulated. You know, that --
6 that was -- those that seem to be matters that won't be
7 disputed. The legal implications, I realize, will have to be
8 resolved at a later point, but in terms of some of the facts
9 that I think would be amenable to stipulation. So the parties
10 can address that off the record.

11 Q BY MR. RIMBACH: So when you began work for Leo Marine
12 Services in March 2021, what entities did you understand
13 Anthony Lobro to be the barge coordinator for?

14 A Westoil and Leo Marine.

15 Q Was there any difference when you --

16 JUDGE SANDRON: Remember, when you ask a question like
17 that, you've got to then cover what the basis of that
18 understanding is.

19 MR. RIMBACH: Sure.

20 Q BY MR. RIMBACH: How do you know that?

21 A He was the coordinator of the barges at -- in -- I mean, I
22 don't have an exact answer.

23 JUDGE SANDRON: Well, did he manage, basic -- boats at
24 both companies?

25 THE WITNESS: Yeah, he -- so he -- he schedules all the

1 barges. He's the -- that's what I was under the assumption of,
2 is he coordinates the -- he's the barge coordinator, so he
3 coordinated Westoil and --

4 JUDGE SANDRON: Okay.

5 THE WITNESS: -- Leo.

6 JUDGE SANDRON: And you observed this when you --

7 THE WITNESS: Yeah. Yes.

8 JUDGE SANDRON: That's your memories?

9 THE WITNESS: Right.

10 JUDGE SANDRON: Okay.

11 THE WITNESS: Sorry.

12 JUDGE SANDRON: Yes.

13 MR. RIMBACH: Okay.

14 Q BY MR. RIMBACH: Did you receive an employee handbook from
15 Leo Marine Services when you started working there?

16 A No, I did not.

17 Q You mentioned, I believe, that your -- I'm sorry. What,
18 if any, benefits -- employment benefits changed when you
19 started working for Leo Marine Services?

20 A As far as the medical benefits?

21 Q Yes.

22 A I just -- I -- I don't understand the question. I'm
23 sorry.

24 Q Did any benefits change when you started working for Leo
25 Marine Services, in terms of health insurance, medical

1 insurance, dental or vision insurance?

2 A Yes. The -- the IBU -- you know, I was on the IBU health
3 benefits, and I switched over to the company benefits. And
4 I -- I don't have any children or anything, but I heard that
5 the IBU --

6 JUDGE SANDRON: All right --

7 THE WITNESS: -- benefits was better.

8 JUDGE SANDRON: Okay. That's fine. Mr. Hilgenfeld, do
9 you object on what --

10 MR. HILGENFELD: It was ask -- it was asked and answered
11 on the offer letter. The benefits changed. There was no lapse
12 in insurance. We've -- we've been through this.

13 MR. RIMBACH: Okay. Sorry.

14 Q BY MR. RIMBACH: I just have a follow-up question. Are
15 you aware of any other benefits, other than that, changing?

16 A I -- I didn't receive PTO. My PTO switched from PTO to
17 vacation time and sick time.

18 MR. RIMBACH: Okay.

19 JUDGE SANDRON: Mr. Rimbach, let me just ask you this.
20 The -- I believe, and I may be mistaken, that -- that we have
21 the contract between Westoil and IBU in the record. I guess if
22 we don't, we will get it, I assume, is the point. And -- and
23 benefits that are set out there can be compared with the
24 benefits that are contained -- set out in the offers of
25 employment. So any --

1 MR. RIMBACH: Yes, Your Honor.

2 JUDGE SANDRON: -- differences -- yes, Mr. Hilgenfeld.

3 MR. HILGENFELD: That's true, with also the SIU/Leo Marine
4 CBA --

5 MR. RIMBACH: Right.

6 MR. HILGENFELD: -if -- and --

7 JUDGE SANDRON: So -- so I think we can compare benefits,
8 if that's going to be an argument --

9 MR. HILGENFELD: Sure.

10 JUDGE SANDRON: -- of General Counsel that -- that we can
11 get by comparing the documents.

12 MR. RIMBACH: Okay.

13 JUDGE SANDRON: But if you have a follow-up question or
14 another question, go ahead.

15 MR. RIMBACH: Okay.

16 Q BY MR. RIMBACH: When you started for --

17 MR. RIMBACH: I'll move on.

18 Q BY MR. RIMBACH: When you started working for Leo Marine
19 Services, do you recall what the paystubs you received -- did
20 you receive paystubs?

21 A Yes, through the ADP. You know, it was all electronic,
22 and I don't recall what they said.

23 Q Do you recall whether it stated Employer's name on it?

24 A I don't recall.

25 Q Okay.

1 JUDGE SANDRON: And you -- you got those paystubs or --
2 from the same payroll office that you had been using when you
3 were at Westoil?

4 THE WITNESS: Yes. Noth -- I didn't have to submit any
5 new direct deposit or any of that thing -- sort. It just
6 switched over. I just don't recall what the company name said.

7 Q BY MR. RIMBACH: Okay. I'd like to now show you GC
8 Exhibit 26. This consists of three pages. Just for the
9 record, for clarity, this is an email thread consisting of two
10 emails. There's an email dated March 9th, 2021 on page 2 from
11 Nick Buzard to Sally Halfon and a response from Sally Halfon to
12 Nick Buzard on March 10th, 2021. The March 10th, 2021 email
13 attaches what's referred to as a notice of your port change,
14 which is the document that's included as page 3 of this
15 exhibit. Do you recognize this email thread and the attached
16 document on page 3, Mr. Buzard?

17 A Yes, I do.

18 JUDGE SANDRON: All right, do you -- do you offer it?

19 MR. RIMBACH: Yes, Your Honor. I'd like to offer GC
20 Exhibit 26 into evidence.

21 JUDGE SANDRON: Any objection?

22 MR. HILGENFELD: Just real quickly -- the top -- what does
23 that indicate and redacted? Who is that to and from?

24 MR. RIMBACH: Sure. I can represent that this was just a
25 forward to the General Counsel, Your Honor.

1 MR. HILGENFELD: No objection, Your Honor.

2 JUDGE SANDRON: All right. General Counsel Exhibit 26 is
3 received.

4 **(General Counsel Exhibit Number 26 Received into Evidence)**

5 Q BY MR. RIMBACH: Okay. Scrolling down to the second page
6 to your email on March 9th, 2021, to Sally Halfon, why did you
7 send this email?

8 A Because I wanted to make sure that my offer letter said
9 that I was going to be working in the Port of Los Angeles, and
10 it wouldn't stay at San Francisco, just in case somewhere down
11 the line, if they needed help in San Francisco, you know, they
12 couldn't say, well, you know, your offer letter says you're in
13 San Francisco. You have to go to San Francisco.

14 Q I'd like to show you what's marked as GC Exhibit 27. This
15 an email thread consisting of an email dated March 10th, 2021
16 from Nick Buzard to leadrespond@att.net. There's a response
17 from leadrespond@att.net that same day, and then another
18 response from Nick Buzard that day again, at the top. Do you
19 recall -- do you recognize this email thread?

20 A Yes, I do.

21 Q Okay. Who is leadrespond@att.net, that email address?

22 A He was a union steward for the IBU.

23 Q Do you know his name?

24 A Yes. Cris Sogliuzzo.

25 Q Why did you send this email --



1 JUDGE SANDRON: Can you -- can you spell his name?

2 MR. RIMBACH: Sure. C-R-I-S, last name Sogliuzzo,
3 S-O-G-L-I-U-Z-Z-O. I believe the G is silent, but I'm not
4 sure.

5 Q BY MR. RIMBACH: Okay. Can you explain why you sent this
6 email at the bottom?

7 A Yeah. Because there was a Leo engineer that was helping a
8 Westoil boat change out the wire -- one of the push wires on
9 the vessel.

10 Q And what kind of vessel is the Royal Melbourne?

11 A That's a tugboat.

12 Q And what did you observe exactly? What is this in
13 reference to? Can you describe that?

14 A Yeah, they -- they -- one of the wires was old, and they
15 were replacing it, so they had the wire on the dock, and there
16 was some guys on the boat operating the winch, and then there
17 was other people on the dock handling the wire, so it didn't
18 get tangled or --

19 JUDGE SANDRON: So -- so why did you feel you needed to
20 notify the Union about this?

21 THE WITNESS: Just because there was a Leo -- you know,
22 when -- when this all went down, the -- the Union said that we
23 weren't supposed to have them catch our lines, because -- or
24 you know, help us in any way, because they were a separate
25 entity or separate company, and this was a Leo engineer helping

1 a Westoil boat. So I just thought it might pertain to what
2 they were trying to avoid.

3 MR. RIMBACH: I'd like to offer GC Exhibit 27 into
4 evidence.

5 JUDGE SANDRON: Mr. Hilgenfeld?

6 MR. HILGENFELD: No objections.

7 JUDGE SANDRON: The document is received.

8 **(General Counsel Exhibit Number 27 Received into Evidence)**

9 MR. RIMBACH: Ms. Court Reporter, was GC Exhibit 26
10 admitted? Yes. Oh, okay. Thank you.

11 MR. HILGENFELD: Thomas, as before --

12 THE COURT REPORTER: Yes, it was.

13 JUDGE SANDRON: -- if you could send me a copy of the
14 unredacted version as well, when we get your --

15 MR. RIMBACH: Sure.

16 MR. HILGENFELD: -- affidavit, I think.

17 MR. RIMBACH: That's -- that's perfectly fine.

18 JUDGE SANDRON: We're get -- Ms. Denlinger, did you have a
19 comment?

20 THE COURT REPORTER: No, sir. I was just answering Mr.
21 Rimbach's question. GC-26 was received.

22 JUDGE SANDRON: Okay. Thank you.

23 MR. RIMBACH: Thank you.

24 JUDGE SANDRON: I'll -- I'll let you answer next time,
25 because you're the official guardian of the documents and

1 exhibits.

2 MR. RIMBACH: Can I please just have two minutes to review
3 my notes, Your Honor?

4 JUDGE SANDRON: Yes.

5 MR. RIMBACH: Okay.

6 I have no further questions at this time, Your Honor.

7 JUDGE SANDRON: All right. Mr. Iglitzin, do you have any
8 questions?

9 MR. IGLITZIN: I do not. Thank you.

10 JUDGE SANDRON: And Mr. Wojciechowski, do you have any
11 questions?

12 MR. WOJCIECHOWSKI: No questions. Thank you.

13 JUDGE SANDRON: Well, this might be -- I'm going to try,
14 then, to combine giving Mr. Hilgenfeld the opportunity to
15 review whatever affidavits the witness provided, as well as we
16 could take, maybe, a lunch break at the same time. Can you
17 tell us, Mr. Rimbach, how many affidavits the witness gave and
18 the dates and when he --

19 MR. RIMBACH: There is one affidavit from Mr. Buzard
20 consisting of seven pages, as well as one exhibit.

21 JUDGE SANDRON: All right. It -- it's -- what -- what's
22 the date on the affidavit?

23 MR. RIMBACH: Oh, I apologize. It's dated March 20th,
24 2021.

25 JUDGE SANDRON: It's a fairly short affidavit, but it --

1 we'll take our -- our lunch recess around that. Would 45
2 minutes, Mr. Hilgenfeld, do you think, be adequate for both?

3 MR. HILGENFELD: I -- I think so, Your Honor, so come back
4 at 12:50-ish?

5 JUDGE SANDRON: All right. That's fine. Well, it's --
6 it's 12:07, I think, your time, so why don't we come back at
7 12:52 your time, and that would be able to combine two things
8 at once. Okay, everybody, have a good lunch hour. I assume
9 I'll be back.

10 MR. HILGENFELD: Thank you.

11 JUDGE SANDRON: Off the record.

12 (Off the record at 12:07 p.m.)

13 JUDGE SANDRON: Okay. Back on the record. Cross-
14 examination.

15 THE COURT REPORTER: We -- we are back on the record.

16 JUDGE SANDRON: Cross-examination?

17 MR. HILGENFELD: Thank you, Your Honor.

18 **CROSS-EXAMINATION**

19 Q BY MR. HILGENFELD: Mr. Buzard, how are you doing this
20 afternoon?

21 A Good. How about yourself?

22 Q Doing fine. Thank you for joining us.

23 A No problem.

24 Q Mr. Buzard, while you worked at Westoil, did Mr.
25 Castagnola ever discipline you?

1 A I don't recall.

2 Q Do you recall him ever disciplining you?

3 A I don't recall.

4 Q Okay. Do you recall a -- a single instance where you
5 became aware that Mr. Castagnola had disciplined another
6 deckhand engineer?

7 A I'm sorry. Can you repeat the question?

8 Q Yeah. Do -- do you recall any -- any single instances
9 where another employee had informed you that Mr. Castagnola had
10 disciplined them as a deckhand engineer?

11 JUDGE SANDRON: Well aren't we getting into hearsay also?

12 MR. HILGENFELD: I'm just asking of his understanding and
13 knowledge, Your Honor. Not asking that it truthfully happened.

14 JUDGE SANDRON: What's the relevance of that for the
15 issues?

16 MR. HILGENFELD: Mr. Castagnola testified that he had no
17 disciplinary authority whatsoever over any less flow deckhand
18 engineer.

19 JUDGE SANDRON: All right. I guess he -- all right, I
20 see. All right. Go ahead.

21 A I don't recall any situation at --

22 MR. RIMBACH: Objection. Foundation and personal
23 knowledge.

24 JUDGE SANDRON: Well, I think if Mr. Hilgenfeld, if you're
25 just, you know, witness is going to testify that he did not

1 have any authority and there's no contrary evidence by the
2 General Counsel, then it goes unrebutted.

3 MR. HILGENFELD: I'm just asking what his understanding
4 was, what he knew.

5 JUDGE SANDRON: Well, we --

6 Did you know of anybody whom he had disciplined?

7 THE WITNESS: I wouldn't call it discipline, but there was
8 a couple engineers that were checked off on a boat and they
9 didn't know how to fuel it, so he removed them from schedule
10 because they couldn't fuel the boat. I don't know if that's
11 disciplinary action --

12 JUDGE SANDRON: Well --

13 THE WITNESS: -- or not.

14 JUDGE SANDRON: -- well, did it have a negative effect on
15 their wages or any other benefit?

16 THE WITNESS: Yes. They went from being on schedule to
17 being taken off schedule.

18 Q BY MR. HILGENFELD: And who are those two individuals?

19 A I'm --

20 JUDGE SANDRON: Okay. Okay. Wait a second. I'm not sure
21 we need the names. I think, you know, there's no point in
22 having the name if -- but he can testify about his knowledge of
23 the situation.

24 Do you remember when that was?

25 THE WITNESS: No, it was some time ago. I don't remember

1 exactly when.

2 JUDGE SANDRON: Would you say it was more than a few years
3 ago or a couple of years ago?

4 THE WITNESS: Yeah, it was probably a couple of years,
5 three or four years ago.

6 JUDGE SANDRON: All right. I'm not sure we need to go
7 much further into that.

8 MR. HILGENFELD: Sure.

9 Q BY MR. HILGENFELD: Mr. Buzard, were you a dispatched from
10 the IBU Hall to Westoil?

11 A Yes, I was.

12 Q So you were hired through dispatch?

13 A I was hired through the IBU. Or yeah, through dispatch.
14 Dispatch through the IBU. I'm sorry.

15 MR. RIMBACH: Objection as to time. It's vague.

16 MR. HILGENFELD: I think he's testified that he was
17 dispatched in 2008 already.

18 JUDGE SANDRON: Right. That's fine. But I think, you
19 know, we're getting pretty far back in -- in time as far as the
20 relevance.

21 Q BY MR. HILGENFELD: How much of your time while you worked
22 in Westoil in 2020 was spent on a tugboat?

23 A In 2020? I mean, my -- my -- I was on schedule on the
24 tug, so all my time there was on the tug. So pretty much half
25 the year.

1 Q Poorly worded question. I apologize. What I'm trying to
2 say, let's, for instance, you work a 12-hour shift; is that
3 typically what you worked?

4 A Yes, correct.

5 Q And during the 12-hour shift, how many of those 12 hours
6 would typically be on the tugboat?

7 A Okay, I see. It all varied. Sometimes if we were busy,
8 you know, I'd be on the barge half the time and half time on
9 the tug, maybe a little bit more on the barge than on the tug.
10 If it was slow, I spent more time on the tugboat than on the
11 barge.

12 Q And then would most of your time be on one vessel or the
13 other?

14 A Again, it -- if -- if it was busy, it was kind of split,
15 you know, because when we were moving barges, I'd be up on the
16 barge acting as a lookout. But I'd say a majority of it was --
17 was on the tug and maybe a third of it was on the barge on any,
18 you know, given day.

19 Q And -- and if I -- are you familiar with the term "master
20 of the vessel"?

21 A Yes.

22 Q What's the master of the vessel?

23 A That's the person that's in charge of the vessel, so it'd
24 be the captain.

25 Q And when it's a tug under operations, it's the captain; is

1 that correct?

2 A Yes, captain is the master of the vessel.

3 Q And if a captain is tied to a barge, the captain is the
4 master of both the tug and the barge; is that correct?

5 A Yes, while he's made up moving it, yes.

6 Q And if the tug is not made up to the barge, the tankerman
7 PIC would be the master of -- the person in charge of the
8 barge; is that correct?

9 A Yes, correct.

10 Q And the captain or the master has direct total authority
11 to direct the crew members in what to do on the vessels; is
12 that correct?

13 MR. RIMBACH: Objection. Calls for a legal conclusion.

14 MR. HILGENFELD: Your Honor, I'm not calling for a legal
15 conclusion. I'm calling about what happens on the tug as to
16 who has authority to direct work.

17 JUDGE SANDRON: Well, maybe we can ask him who ha -- who
18 actually does the direction at -- at -- at that point. Do you
19 want (indiscernible)?

20 THE WITNESS: Yeah, I'm sorry, can you repeat that? Who
21 does the -- I -- I think I --

22 JUDGE SANDRON: Well, I --

23 THE WITNESS: -- missed --

24 JUDGE SANDRON: -- I think counsel asked -- asked who has
25 the authority to direct.

1 THE WITNESS: Oh, the work? It would be the captain, you
2 know, if he's moving the barge, if he wants it done a certain
3 way, you know, he'll let us know.

4 Q BY MR. HILGENFELD: And the deckhand engineer, then, would
5 have to listen to what the captain says on the tug, correct?

6 A Yes, correct.

7 Q And the tankerman PIC while the two are connected would
8 have to listen to the captain of the tug, correct?

9 A Yes, correct.

10 Q And the captain of the tug when you worked at Westoil that
11 was not a bargaining unit position or not in the union, right?

12 A No, it was not.

13 Q And Mr. Castagnola is not a captain, correct?

14 A No.

15 Q And then do you know what Stop-Work Authority is?

16 A Yes.

17 Q And what's Stop-Work Authority?

18 A Any -- any individual working on the equipment has the
19 authority to stop the operations if they feel it's unsafe.

20 Q And that's true for all the employees, correct? They can
21 stop it at any point in time?

22 A Yes, correct.

23 Q At -- at Westoil, were your wage rates determined by the
24 labor agreement?

25 A Yes, the bargaining agreement.

1 Q When I say "labor agreement" I also mean "collective
2 bargaining agreement". I mean the same thing if I use that
3 term, just so we understand.

4 A Okay. Got -- yes.

5 Q Did Mr. Castagnola ever give you a raise above the
6 collective bargaining agreement?

7 A No, he did not.

8 Q Were you promoted to captain?

9 A I'm sorry. As I went -- excuse me -- while I was at
10 Westoil?

11 MR. RIMBACH: Objection as to which company.

12 JUDGE SANDRON: All right. I --

13 MR. HILGENFELD: I'll --

14 JUDGE SANDRON: -- think he --

15 MR. HILGENFELD: I'll rephrase the question.

16 Q BY MR. HILGENFELD: Have you recently been promoted to
17 captain while you've worked at Leo Marine?

18 A Yes, I have.

19 Q So -- so you're captain -- you're captain now?

20 A Yes, correct.

21 Q Congratulations.

22 A Oh, thank you.

23 Q And did you have -- did you go through training to become
24 a captain -- on-the-job training?

25 A Ye -- yes, I did.

1 Q Who provided that on-the-job training for you?

2 A I was -- I just rode with -- with all sor -- all the --
3 pretty much all the captains.

4 Q Would those be Leo Marine captains?

5 A Yes, they were Leo Marine captains.

6 Q Did you also --

7 MR. RIMBACH: Object as to the time period.

8 JUDGE SANDRON: Well, I think maybe we --

9 When were you actually promoted? Maybe it's best if you
10 recall.

11 THE WITNESS: April -- oh, no, three or four months of
12 March -- March, April, May, June -- I think it was June or
13 July, sometime around then of 2021.

14 JUDGE SANDRON: So it was -- last year?

15 THE WITNESS: Yes, sometime in the middle of last year,
16 maybe the early part.

17 JUDGE SANDRON: Okay. And your training was before or
18 after you actually assumed the captain role?

19 THE WITNESS: Training was before I assumed the captain
20 role.

21 JUDGE SANDRON: Right.

22 Go ahead, counsel.

23 MR. HILGENFELD: Certainly.

24 Q BY MR. HILGENFELD: And I -- I'll show you this, this may
25 help your memory as well, what's been marked as Exhibit --

1 Respondent's Exhibit 306. Says title dated May 25th, 2021 to
2 Nicholas Buzard regarding notice of promotion, signed by -- or
3 E-signature by Brian Vartan, signature by Nicholas Buzard on
4 Mar -- May 26, 2001. Do you see that letter in front of you,
5 Mr. Buzard?

6 A Yes, I do.

7 Q Did you receive this notice of promotion?

8 A Yes, I did.

9 Q And who promoted you?

10 A Brian Vartan.

11 Q And was he your -- the ops manager for Leo Marine at that
12 time?

13 A Yes.

14 Q And -- and approximately how much training did you need
15 before you became a captain in May of 2021?

16 A It -- it all depends. I was training since March, since I
17 started working at Leo, on those boats. So you know, and I
18 trained pretty much all my time off.

19 Q And --

20 A So --

21 Q -- did you -- did you have any training when you were at
22 Westoil?

23 A Yes, I was training on the tractor tugs.

24 JUDGE SANDRON: Was that for a captain position?

25 THE WITNESS: Yes. For Westoil, I was training as

1 captain, but I never -- never finished the training and got
2 promoted before the acquisition swap.

3 Q BY MR. HILGENFELD: And who provided that training to you?

4 A Same thing, Westoil captains. Or I'm sorry, Millennium
5 Maritime captains.

6 Q And Millennium Maritime was the tug arm in Westoil. It
7 was a barge arm; is that right?

8 A Yes, correct.

9 Q And Millennium Maritime and Westoil Marine Services were
10 bothly (sic) signed to the same labor agreement; is that
11 correct?

12 A I'm sorry. Can you repeat that?

13 Q Millennium Maritime and Westoil Marine Services were both
14 signatory to the same labor agreement, the IBU?

15 A No, they were separate.

16 Q Are you sure about that?

17 JUDGE SANDRON: Well --

18 MR. RIMBACH: Objection, asked and --

19 JUDGE SANDRON: -- you can't --

20 MR. RIMBACH: -- answered.

21 JUDGE SANDRON: Right.

22 You can't -- if you want to show him something that would
23 be contrary and ask him if refreshes him, then that's fine, but
24 he's testifying about what he knows at this point.

25 MR. HILGENFELD: Sure.

1 JUDGE SANDRON: And --

2 MR. HILGENFELD: This I'm sure will be admitted as part of
3 this -- this -- this is a labor agreement between Westoil
4 Marine Services and the Millennium Maritime and the IBU --

5 JUDGE SANDRON: Yeah --

6 MR. HILGENFELD: -- dated (indiscernible) 2021, has not
7 been marked yet --

8 JUDGE SANDRON: Okay.

9 MR. HILGENFELD: -- for identification.

10 JUDGE SANDRON: All right.

11 Q BY MR. HILGENFELD: Do you -- do you see this labor
12 agreement, Mr. Buzard?

13 MR. RIMBACH: I'm just going to object --

14 JUDGE SANDRON: Yeah --

15 MR. RIMBACH: -- offering evidence or displaying evidence
16 that's not offered into -- that's not marked as an exhibit for
17 purposes of clarity in the --

18 JUDGE SANDRON: Yes.

19 MR. RIMBACH: -- record.

20 JUDGE SANDRON: Right.

21 MR. HILGENFELD: Well, I mean, it refreshes memory.

22 JUDGE SANDRON: All right. Well, I think that probably we
23 don't really need him to refresh his memory. I -- I -- I would
24 assume the document can alter -- will be admitted, like you
25 say, Mr. Hilgenfeld. I assume there won't be any question of

1 authenticity, so it will be admitted. So I don't know if you
2 need to go further with the witness on it. Unless you're going
3 to use it to go forward. But --

4 MR. HILGENFELD: Fair enough, Your Honor.

5 JUDGE SANDRON: Do you want to offer --

6 THE COURT REPORTER: Excuse me, Judge?

7 JUDGE SANDRON: Yes.

8 THE COURT REPORTER: Can you please just remind the
9 parties to speak one at a time? There's --

10 JUDGE SANDRON: Right.

11 THE COURT REPORTER: -- a lot of cross talk right now.

12 JUDGE SANDRON: Okay. Yes. We -- we don't want to
13 confuse the record and have statements attributed to the wrong
14 counsel.

15 So do you wish to offer Respondent's Exhibit 306?

16 MR. HILGENFELD: We will be offering Exhibit 306, Your
17 Honor.

18 JUDGE SANDRON: Any objection?

19 MR. RIMBACH: No objection.

20 JUDGE SANDRON: All right. It is received.

21 **(Respondent Exhibit Number 306 Received into Evidence)**

22 Q BY MR. HILGENFELD: As a deckhand engineer when you were
23 with Westoil in, let's say approximately 2000, 2021, what were
24 your duties on the vessel?

25 A I maintain the engine room, pretty much maintain the tug,

1 do all the engine oil changes. If anything broke down, you try
2 to fix it. Keep the tug tidy and clean. Painting, chipping,
3 that type of stuff. And then when we were made up the barges,
4 I would go up on the barge and act as a set of eyes on the
5 other side for the captain. And then when we did ship work, I
6 would go down on deck and send our line up to the ship.

7 Q And when we're talking about the "line", we're talking
8 about the physical rope that goes from one vessel to another to
9 connect; is that correct?

10 A Yes, correct.

11 Q And when you were tying up, for instance, if you are --
12 you -- you said that you did ship assist for Millennium
13 Maritime; is that correct?

14 A I was working for Westoil.

15 Q But --

16 A But --

17 Q -- the tugs you were on were from Millennium Maritime
18 tugs; is that correct?

19 A Yes.

20 MR. HILGENFELD: And I -- I -- just so the record's clear,
21 there -- there's no dispute that Westoil and Millennium
22 Maritime were single employers. So I think we've had that
23 statement earlier.

24 JUDGE SANDRON: Right. But -- we'll -- we'll accept that
25 as a stipulation if it's not already been so put in the record.

1 Q BY MR. HILGENFELD: And the Millennium Maritime would
2 perform work on -- with Crowley vessels, correct?

3 A Yes.

4 Q Okay. And you performed work with Foss vessels, correct?

5 A Yes.

6 Q And when you would go up to those vessels, would those
7 individuals tie -- help you tie up to their barges?

8 A I'm sorry. I don't understand the question.

9 Q Sure. If you had a tug and you were tying up to a Crowley
10 barge, would those Crowley people on the barge handle your
11 lines?

12 A Yes.

13 Q And would the Foss people handle your lines?

14 A We never moved any Foss barges that I'm aware of.

15 Q Did you --

16 A Sorry, I misunderstood the question.

17 Q -- did you work -- did you move Jankovich barges?

18 A Yes, we did on occasion.

19 Q And you would tie up, and the Jankovich individuals would
20 hold the lines, correct?

21 A Yes.

22 Q And when you tie up to -- when a Leo tug ties up to a
23 Westoil barge, the Westoil -- the people handling lines are
24 they doing it any different than Jankovich handled the lines or
25 Crowley handled the lines?

1 A No.

2 Q Do you have any understanding of whether Westoil and Leo
3 Marine have an agreement to pay for those services?

4 A I -- I'm not aware. I don't recall.

5 Q Do you know -- okay.

6 JUDGE SANDRON: I guess you don't know.

7 THE WITNESS: Yeah, I don't know.

8 Q BY MR. HILGENFELD: Mr. Buzard, when -- as a captain, did
9 you also have to go through licensing?

10 A Yes, I did.

11 Q What kind of licensing did you receive?

12 A I had my captain's license and then I upgraded to my 500-
13 ton. I also had my AB, some other documents attached to it.

14 Q Do you have special endorsements with that as well?

15 A Yes, master of tow and like a lifeboat one, medical care
16 provider, and a few other ones.

17 Q And you're familiar with the important papers on a vessel?

18 A Yes.

19 Q And the important papers identify the owners and the
20 charters of the vessel?

21 A Yes.

22 Q And so the owner and the charter of the vessel is
23 available to any cu -- are those important papers only
24 available to the captain, or are they available to other crew
25 members?

1 A No, they're available to other members. They're kept in a
2 ves -- binder on the -- in the warehouse.

3 Q Are you familiar with -- as a captain familiar with the
4 term "seaworthiness"?

5 A Yes, I am.

6 Q What is seaworthiness?

7 A Just pretty much if the boat is ready to go to sea,
8 everything's tip top shape, you know it's not going to sink
9 when you take it out.

10 Q Does that -- (indiscernible, simultaneous speech) -- I'm
11 sorry. I didn't mean to --

12 A Sorry. Ready to do the work that -- that's assigned.

13 MR. RIMBACH: I'm just going --

14 Q BY MR. HILGENFELD: And is that --

15 MR. RIMBACH: -- to object as to this line of questioning,
16 as it's through his understanding as a captain. That did not
17 occur until May 2021.

18 So is that the time period you're referring to?

19 JUDGE SANDRON: Mr. Hilgenfeld, is that --

20 MR. HILGENFELD: Well, I think the time -- I think the
21 concept seaworthiness has been around for 200 years. So I
22 think it's his understanding now as to what seaworthiness is.
23 But I don't think what is --

24 JUDGE SANDRON: All right. Go ahead.

25 Q BY MR. HILGENFELD: Mr. Buzard, does seaworthiness also

1 have to have evaluation to ensure that the crew members are
2 safe to safely man the vessel?

3 A Yes, correct.

4 Q And the captain can exclude any crew member that they
5 don't want on a vessel if they believe it's unseaworthy,
6 correct?

7 A Yes.

8 Q And that's the captain's decision to make, correct?

9 A Yes.

10 Q You had mentioned barges being three deep near the berth
11 301, LA301; do you recall that testimony?

12 A Yes, I do.

13 Q That -- the depth is that also referred to as "fleeting"?

14 A I believe so, but we don't really use that term.

15 Q Do you understand fleeting to be -- or if we use the term
16 that -- if that's being fleeting if we're talking that that's
17 fleeting barges one to the other, when you are at other
18 locations is it common to fleet with barges for other companies
19 such as Jankovich?

20 A No, we never really tied up the other companies' barges.
21 Or not that I'm aware of.

22 Q Are you aware that Leo Marine Services pays to have Leo
23 Marines' vessels operated by Leo Marine Services a moorage fee?

24 A No, I was not aware of that.

25 Q Are you aware that Leo Marine Services pays for the

1 equipment that it operates?

2 A Yeah, I assume it did.

3 MR. RIMBACH: Objection --

4 JUDGE SANDRON: All right.

5 MR. RIMBACH: -- calls for speculation.

6 JUDGE SANDRON: Or do you know? I mean, don't -- don't
7 guess.

8 THE WITNESS: Yeah, no, I -- I don't know who pays for
9 what.

10 Q BY MR. HILGENFELD: Do you know if Westoil pays a moorage
11 fee to operate its equipment on the berth?

12 A I don't know who -- who pays what.

13 Q Are you aware -- Olympic Tug & Barge also will berth at
14 3 -- LA301; is that correct?

15 A Yes, they came down and -- and tied up their barge and tug
16 for a couple of days.

17 Q In fact, Olympic Tug & Barge has been coming and doing
18 work in L.A. Long Beach for as long as you've been there,
19 correct?

20 A Yes. They come down from time to time, correct.

21 Q And they've performed work with Glencore for as long as
22 you've been there; isn't that correct?

23 A I -- I don't know.

24 Q Are you aware that the IBU Union lost a jurisdictional
25 dispute that OTB could perform work in L.A. Long Beach in

1 around 2015?

2 MR. RIMBACH: Objection. Relevance.

3 JUDGE SANDRON: I think we're getting somewhat remote in
4 terms of the time frame.

5 MR. HILGENFELD: Well, Your Honor, it is going to be
6 directly relevant, because it's always been a history of the
7 practice that Centerline affiliated companies can do work and
8 do do work in L.A. Long Beach. In fact, the IBUs had
9 bargaining proposals trying to limit that, and that's never
10 happened. So this will become part of this hearing as to what
11 has occurred in this 2015 arbitration has an account of even --

12 JUDGE SANDRON: All right.

13 MR. HILGENFELD: -- today.

14 MR. RIMBACH: (Indiscernible) Hilgenfeld.

15 JUDGE SANDRON: Right. I don't think he's the best
16 witness to testify about those matters. I -- I think if you're
17 going to get testimony, it would be through your own witnesses
18 and -- and maybe there'll be testimony by an IBU witness. But
19 I -- I don't think that Mr. Buzard is the appropriate witness
20 to go into those relationships.

21 MR. HILGENFELD: Fair enough, Your Honor.

22 Q BY MR. HILGENFELD: Mr. Buzard, are you aware that the
23 vessel's expenses are paid by that operating company?

24 A I wasn't -- I don't know -- I wasn't aware of that.

25 Q Are you -- you had some talk about the tool shed; do you

1 recall that?

2 A Yes. The -- you mean the sh -- like the Shoreside shop?

3 Q Correct.

4 A Yes, I do.

5 Q And are you familiar with Respondent's Exhibit 305, which
6 I will show you. And this is a tool recreation form?

7 A Yes, correct. I -- that -- I've never seen that one.

8 Q Okay. Have you seen one like it?

9 A Yeah. I think that's -- that's for the barges and the
10 tugs is a little bit different.

11 Q Okay. Does it have a vessel name place that you can put
12 the vessel name on it?

13 A Yes.

14 Q Okay. Do you have any idea of whether these expenses are
15 then accounted to discuss on that company?

16 A I -- I'm -- don't know.

17 Q Is this something that you would fill out and then submit
18 and then go be able to pick up information at the tool shed?

19 A Yes. This -- it actually comes from the -- the -- yes,
20 yeah.

21 Q So if I understand correctly, you would submit an email
22 asking for specific tools, whether it's gloves or tape or
23 whatever you need, you submit this form, then you'd come down,
24 pick it up, and get it, and take it back to the vessel; is that
25 correct?

1 MR. RIMBACH: Objection.

2 JUDGE SANDRON: Yeah, I don't believe he has recognized
3 the document.

4 MR. HILGENFELD: I believe he recognized a similar
5 document.

6 Q BY MR. HILGENFELD: Is that correct?

7 JUDGE SANDRON: Well, but -- but that's not the same.

8 MR. HILGENFELD: Fair enough. But I'll ask a different
9 question about a different --

10 Q BY MR. HILGENFELD: The document you're familiar with,
11 what is the process?

12 A You'd submit it, you know, you -- you take inventory of
13 what you have and what you need, you submit it to e -- the
14 email. I'm not -- I don't remember what email you send it to.
15 And then Brant Ralph, the supply guy, brings it down to the
16 dock and you pick it up off the dock and take it down to the
17 boat.

18 Q How long had you -- how long have you known Brent Ralph?

19 A Since I started.

20 Q Does he know you work for Leo Marine?

21 A Yes.

22 Q Does he know what vessel you work on?

23 A Yes.

24 JUDGE SANDRON: All right. But the -- I mean, I think
25 if -- you have to, like we did earlier with questions by the

1 General Counsel, you've got to establish the basis on which he
2 knows that.

3 Q BY MR. HILGENFELD: How long have you --

4 MR. RIMBACH: Your Honor --

5 Q BY MR. HILGENFELD: -- known Mr. Ralph?

6 A Since --

7 MR. RIMBACH: I'm sorry for interrupting, but can we
8 please establish the time period as well? I don't believe Mr.
9 Buzard works for Leo Marine at present.

10 Q BY MR. HILGENFELD: Mr. Buzard, don't you work for Leo
11 Marine?

12 A No, I work for Westoil Tug Services now.

13 JUDGE SANDRON: All right. Okay.

14 MR. HILGENFELD: Oh, my apologies.

15 JUDGE SANDRON: Okay. So I think we -- we've got to
16 clarify. You worked for Leo Marine, basically for a short
17 period in 2021, and then you became a captain for Westoil after
18 a short time at Leo Marine?

19 THE WITNESS: Well, so I -- I started as an engineer for
20 Leo Marine --

21 JUDGE SANDRON: Right.

22 THE WITNESS: -- in March, and then my --

23 JUDGE SANDRON: Of 2021, right?

24 THE WITNESS: 20 -- yes. 2021, correct. And then I got
25 promoted to captain. I can't remember the date. Sometime in

1 May.

2 JUDGE SANDRON: Oh, I see.

3 THE WITNESS: And then --

4 JUDGE SANDRON: With Leo Marine.

5 THE WITNESS: With Leo Marine. And then in April, or
6 sometimes at the beginning of this year --

7 JUDGE SANDRON: Of this year.

8 THE WITNESS: -- they moved me over to Westoil Tug
9 Services.

10 JUDGE SANDRON: Okay. I -- I understand. So you've -- so
11 you've been a captain at both companies?

12 THE WITNESS: Yes. Correct.

13 JUDGE SANDRON: (Indiscernible). Now, I think it's clear.

14 MR. HILGENFELD: Understood. Thank you for that
15 clarification.

16 JUDGE SANDRON: Well, it is -- is a bit confusing. I'm
17 glad we have it clear on the record.

18 Q BY MR. HILGENFELD: How long have you known Mr. Ralph?

19 A Pretty much since I started in 2008.

20 JUDGE SANDRON: Now, I don't mean to --

21 Q How --

22 JUDGE SANDRON: Oh, excuse me. I don't want to complicate
23 things, but if he was promoted to Westoil, or he switched
24 companies, do we need the documentation regarding his second
25 promotion, or -- so to speak, or his transfer over to Westoil?

1 Because I think we have his transition from Westoil to Leo
2 Marine, but then he transferred back to Westoil.

3 Do we need that documentation?

4 Hold on for one second. I have to -- well, the parties
5 can think about that. I have to reconnect, so maybe when I
6 come back, you can tell me whether any counsels feel we should
7 get that in the record as well. So I'll be right back.

8 Okay. I am back. I don't know if -- if counsels have had
9 an opportunity to consider what I said. I'll leave it up to
10 counsels, and if -- Mr. Hilgenfeld, if you want to go further
11 with that, and if not, if the General Counsel wishes to pursue
12 it on redirect.

13 Q BY MR. HILGENFELD: I think all I would ask Mr. Buzard, is
14 Matt Hathaway the operations manager for Westoil; that
15 you're --

16 A Yes, I believe so.

17 Q And that's -- I don't believe he's been in here, but it's
18 M-A-T-T H-A-T-H-A-W-A-Y.

19 MR. RIMBACH: I'm sorry. Just for the record, are you
20 referring to Westoil Marine Services or Westoil Tug Services?

21 THE WITNESS: Westoil Tug Services.

22 MR. RIMBACH: Thank you.

23 MR. HILGENFELD: And just for the record, Westoil Tug
24 Services, I think is stipulated, was formerly Mill --
25 Millennium Maritime, Inc.

1 JUDGE SANDRON: Right. I believe it is. If not, the
2 stipulation is received. Again, we'll -- we'll assume the --
3 the Charging Parties and the General Counsel don't oppose
4 stipulations that have been proposed by the -- the Respondent's
5 counsel?

6 MR. RIMBACH: No, Your Honor.

7 Q BY MR. HILGENFELD: Mr. Buzard, are you familiar with what
8 a bareboat charter is?

9 A I kind of have a -- somewhat of an idea, but not really.

10 Q Okay. Under the -- while you worked at Westoil, under the
11 IBU labor agreement, I'm going to change the focus a little
12 bit, we talked about guaranteed schedules a little bit, and I
13 believe you had testified that there's also a cal -- a casual
14 list; is that correct?

15 A Yes, correct.

16 Q And when you got moved from a guaranteed list to a casual
17 list, you remained employed at Westoil during that period of
18 time, correct?

19 A Yes.

20 Q And you were available for dispatch during that period of
21 time, correct?

22 A Yes. Correct.

23 Q And I -- and there was also an ASAP weekender list,
24 correct?

25 A Yes, correct.

1 Q And there's also a temporary schedule list, correct?

2 A I don't think there's an actual list for the temporary
3 schedule. It's just if -- if someone goes out, that guy's on a
4 temporary schedule until the scheduled employee comes back.

5 Q Fair enough. Were you aware there's also a supplemental
6 schedule?

7 A Yes.

8 Q Were you aware the IBU refused to allow additional
9 supplemental schedules?

10 JUDGE SANDRON: All right. I -- I think that's go --
11 going beyond the purview of the -- of the witness, and again, I
12 think that would be better to get from individuals who were
13 most directly involved in any of those kind of discussions or
14 situations, and then, of course, the other parties can object,
15 but I -- I don't think Mr. Buzard is the appropriate witness
16 for that.

17 MR. HILGENFELD: Thank you, Your Honor.

18 Q BY MR. HILGENFELD: Do you know if -- do you have an
19 understanding whether Leo Marine performs work in San
20 Francisco?

21 A Yes, they do.

22 Q All right. Do you have an understanding whether Westoil
23 has ever performed work in San Francisco?

24 MR. RIMBACH: Objection. Beyond the scope.

25 JUDGE SANDRON: I'll allow it so -- so we have it in the

1 record.

2 A I'm sorry. Can you repeat the question?

3 Q BY MR. HILGENFELD: Do you have an understanding of
4 whether Westoil has ever performed work in San Francisco?

5 A Westoil has done some outside tows up to San Francisco and
6 back.

7 JUDGE SANDRON: I would just point out, Mr. Rimbach, that,
8 you know, we're dealing with a single employer issue that's
9 been brought up on direct, so basically, this follows along
10 with that.

11 Q BY MR. HILGENFELD: Are you aware of whether Olympic
12 Tug & Barge has performed work in San Francisco and L.A., Long
13 Beach?

14 A Yes.

15 Q We've testif -- I believe you've testified regarding your
16 training as a captain. Is there a difference between a
17 unlicensed deckhand engineer and a licensed deckhand engineer?

18 A Yes. A licensed engineer has an actual license through
19 the Coast Guard, or a, you know, a license document from the
20 Coast Guard, and the unlicensed engineer is someone that
21 doesn't have those documents.

22 Q And did you -- were you a licensed deckhand or an
23 unlicensed deckhand?

24 A I was an unlicensed deckhand engineer.

25 Q And was there training for the deckhand engineer position?

1 A Yes.

2 Q And how would the training occur on the job?

3 A You'd -- the person trying to get checked off as an
4 engineer would ride with different engineers on the vessel,
5 learn the vessel specifics, learn all the equipment, and learn
6 the job of making up the barges, and, you know, the -- the
7 scope of the work, and then he would get checked off.

8 Q And would these be from other crew members?

9 A The training would be from other crew members.

10 Q And you had testimony regarding when you worked at
11 Westoil, getting time off through ADP. Do you recall that?

12 A Yeah. So we didn't have any -- yes. Yes. I'm sorry. I
13 misunderstood.

14 Q And I -- I may have it wrong, but who did you say the
15 three people were?

16 A I thought it was Michael Castagnola, Doug Houghton, and I
17 can't remember who else, but I could be wrong on those names.
18 I never really requested time off, so I don't --

19 Q Do you have your affidavit --

20 A -- I really don't know.

21 Q Do you have your affidavit with you that you took with the
22 Board agent?

23 A Yes.

24 Q If you don't mind, if you could open that up and turn to
25 page 2?

1 A Yeah. One second. Let me just grab it. It's right
2 behind me.

3 Q Sure.

4 A Okay. Page 2. Okay.

5 Q And if you go down to the thi -- well, first off, how many
6 pages is your affidavit?

7 JUDGE SANDRON: Well, I think we have on the record it's
8 seven pages.

9 MR. HILGENFELD: I'm just confirming we're all --

10 JUDGE SANDRON: All right.

11 MR. HILGENFELD: -- looking at the same affidavit. I
12 just --

13 JUDGE SANDRON: All right.

14 MR. HILGENFELD: -- just (audio interference) assume.

15 JUDGE SANDRON: All right. That's a legitimate question.

16 A Yes. Mine's seven pages.

17 Q BY MR. HILGENFELD: And is yours signed?

18 A Is it signed?

19 Q Yeah. Did you sign your affidavit?

20 A Yes.

21 Q And who was the Board agent that this was in front of?

22 A Rachel Kari -- Cherem, Cherem.

23 Q Rachel Cherem?

24 A Cherem.

25 JUDGE SANDRON: Can you spell that.

1 MR. RIMBACH: Obje --

2 MR. HILGENFELD: C-H-E-R-E-M.

3 Q BY MR. HILGENFELD: And Mr. Buzard, did you have an
4 opportunity to review your affidavit and make any changes that
5 you wanted to make?

6 A Yes.

7 Q If you look at page 2, the third paragraph, does that help
8 refresh your recollection as to who was -- would approve
9 vacation time at ADP for Westoil?

10 A Yes.

11 Q And who was it?

12 A Michael Castagnola, Matt Hathaway, and a third person.

13 Q And it was not Doug Houghton, correct?

14 A No. Sorry.

15 Q That's fine. Mr. Buzard, you testified both that Mike --
16 you reported to Mike Castagnola, and you were supervised by
17 Mike -- Mike Castagnola. In your mind, is there a difference
18 between reporting to and supervising?

19 A No.

20 Q So you use the terms interchangeably?

21 A Yes.

22 Q Okay. Thank you.

23 JUDGE SANDRON: Well, hopefully, we can finish with Mr.
24 Buzard today. I know he's been on the witness stand for a lot
25 of hours, starting yesterday, so hopefully, we can. If not, I

1 guess we'll have to finish with his testimony tomorrow, but
2 hopefully, we can release him --

3 MR. HILGENFELD: Your Honor, I --

4 JUDGE SANDRON: -- today.

5 MR. HILGENFELD: -- I -- I don't think I have too much
6 more. I'm just trying to go through my notes --

7 JUDGE SANDRON: Yeah.

8 MR. HILGENFELD: -- to make sure that we did everything.

9 JUDGE SANDRON: Oh, yeah. Take your time.

10 (Indiscernible).

11 Q BY MR. HILGENFELD: The -- the tugs and the barges, do
12 they have specific names?

13 A Yes, they do.

14 Q And do those names ever change?

15 A No, they do not.

16 Q So if we talk about the tug, Madeline Hamilton, it's the
17 same tug that we're talking about at all the times, correct?

18 A Yes, correct.

19 JUDGE SANDRON: I would just point out that -- that direct
20 examination was quite lengthy, so we certainly understand, Mr.
21 Hilgenfeld, that you have the need for an adequate opportunity
22 to cross-examine.

23 MR. HILGENFELD: Of course. Thank you, Your Honor.

24 Q BY MR. HILGENFELD: Mr. Buzard, you -- I believe I heard
25 you testify that there were no rules about whether a Leo Marine

1 barge could be connected to a Westoil tug. Did I hear that
2 correctly?

3 MR. RIMBACH: Objection. Misstates the testimony.

4 JUDGE SANDRON: Well, I think he's asking the witness if
5 that was his testimony. If not --

6 And Mr. Buzard, you know you can say that's not correct.

7 A Okay. What -- what was the question again? I don't think
8 I understood it.

9 Q BY MR. HILGENFELD: Fair enough. I'm going back to
10 yesterday, so I'm -- I'm just trying to go through my notes
11 here. But as I understood your testimony, that you had said
12 that there were no rules that stops a Leo Marine barge from
13 being connected to a Westoil tug.

14 A No. I mean. Yes. Yes, that's correct.

15 Q Oh, all right. That was your testimony.

16 A Yeah.

17 Q It gets a little confusing, but I understand. Is it
18 equally true that there are no rules limiting a Leo Marine
19 barge being connected to a Foss tug?

20 A Yes, that is correct.

21 Q Do you recall vessels from the Catalina Express being tied
22 up to LA301?

23 MR. RIMBACH: Objection. Relevance.

24 MR. HILGENFELD: We've had a lot of testimony about
25 equipment being tied up to LA301. A nonaffiliated piece of

1 equipment being tied up to 301 is certainly relevant.

2 JUDGE SANDRON: I'll allow it.

3 A I only recall one -- one vessel that was a Catalina
4 Express -- or a -- I'm sorry. What company? Catalina Express
5 vessel?

6 Q BY MR. HILGENFELD: Correct.

7 A No, there was not any Catalina Express vessels tied up to
8 LA301 --

9 JUDGE SANDRON: What type of --

10 A -- that I'm aware of.

11 JUDGE SANDRON: Well, I think -- all right. I think we
12 need to narrow the time frame as well.

13 MR. HILGENFELD: Okay.

14 JUDGE SANDRON: Maybe the last -- since, say, January of
15 2021. Maybe in -- in your questions, we could limit it to --

16 Q BY MR. HILGENFELD: In the last two years, do you --
17 what -- do you recall a vessel being tied up to LA301 that was
18 not OTB, Westoil, or Leo?

19 A The -- I'm drawing a blank on the name. There was a
20 Avalon Freight Services tug, the Lucy Franco.

21 Q Lucy. Okay. Was that one --

22 Q BY MR. HILGENFELD: And how --

23 JUDGE SANDRON: -- was that one time, or more than one
24 time?

25 THE WITNESS: That was just the one time that I'm aware

1 of.

2 Q BY MR. HILGENFELD: And Avalon Freightways (sic), to your
3 knowledge, does it have any connection with Centerline
4 Logistics?

5 A The -- the -- I don't --

6 JUDGE SANDRON: If you know.

7 THE WITNESS: -- I don't know. Sorry.

8 Q BY MR. HILGENFELD: Okay. Thank you. In your experience,
9 is it a common maritime practice to catch the lines of the
10 other vessels that are connecting to your vessel?

11 A Yes.

12 Q When you were at Leo Marine, do you recall the Leo Marine
13 tugs moving Jankovich barges?

14 A They -- I don't know.

15 JUDGE SANDRON: What -- what was that company?

16 MR. HILGENFELD: Yankovitch, Y-A-N-K-O-V-I-T-C-H (sic).

17 JUDGE SANDRON: Thank you.

18 Q BY MR. HILGENFELD: Are you familiar with the company
19 Clean Air?

20 A Yes.

21 Q Are you familiar with Leo Marine tugs moving Clean Air?

22 A No. We haven't moved Clean Air barges.

23 JUDGE SANDRON: All right. Just -- just to clarify, you
24 say "we", are -- are you talking about --

25 THE WITNESS: Oh.

1 JUDGE SANDRON: -- Westoil and Leo Marine, or --

2 THE WITNESS: Or do you -- he asked about Leo Marine, so
3 I -- I -- sorry. I meant Leo Marine. I don't -- as far as I
4 know --

5 JUDGE SANDRON: All right.

6 THE WITNESS: -- Leo Marine hasn't moved any Clean Air
7 barges.

8 JUDGE SANDRON: All right. So these questions are limited
9 to Leo Marine?

10 MR. HILGENFELD: That question was limited to Leo Marine.

11 JUDGE SANDRON: Okay.

12 Q BY MR. HILGENFELD: At Westoil, where you're at now, have
13 you moved Clean Air barges?

14 A No.

15 Q At Westoil previously, had you moved Clean Air barges?

16 A Yes.

17 Q Okay.

18 MR. RIMBACH: When you're -- you're referring to
19 "previously", you're referring to Westoil Marine Services, Mr.
20 Hilgenfeld?

21 MR. HILGENFELD: Correct. Thank you, Thomas.

22 Q BY MR. HILGENFELD: And would your answer be the same, Mr.
23 Buzard, Westoil Marine Services?

24 A Yes.

25 Q Were you aware that Leo Marine, Westoil both pay

1 apportioned rate for the crew change car?

2 A No, I was not aware of that.

3 Q Were you aware that Leo Marine pays for its own insurance
4 on the car?

5 A No.

6 Q Were you aware that Westoil pays for its insurance on the
7 car?

8 A No.

9 Q We talked about Shoreside. Are you aware of whether the
10 companies are billed for Shoreside expenses that are incurred?

11 A No, I am not aware.

12 JUDGE SANDRON: You know, I think a lot of these questions
13 would be better directed to people that are more closely
14 involved with those matters, which would be representatives of
15 the company or -- or the Employer, jointly, or (indiscernible).

16 MR. HILGENFELD: Very well, Your Honor.

17 Q BY MR. HILGENFELD: Are you aware of whether equipment
18 gets sent out to third-party vendors?

19 A I don't understand the question. Are you talking about
20 having ven --

21 Q (Indiscernible) --

22 A Sorry. Sorry.

23 Q Do vessels need to be dry-docked sometimes?

24 A Oh, yes.

25 Q And if a dry dock occurs, does that get sent to a third-

1 party entity?

2 A Yes.

3 Q Would you agree that Mike Castagnola is responsible for
4 coordinating and overseeing the performance of scheduled vessel
5 maintenance on the tugs and barges?

6 A Yes.

7 Q In the fall of 2020, were you informed that the Glencore
8 contract was put up for bid and there was a bid process?

9 A Yes.

10 Q And were you aware that Westoil and IBU were in
11 discussions about submitting bids for Westoil Marine services?

12 A No. I -- no.

13 Q What -- what was your understanding?

14 A I'm sorry. I misunderstood the question. I -- can you
15 ask it again?

16 Q Certainly. In the fall of 2020, did you have an
17 understanding where -- of whether Westoil was bidding for the
18 Glencore work in L.A., Long Beach?

19 A Yes. Sorry. Yes.

20 Q What was your understanding?

21 JUDGE SANDRON: Well, okay. Again, I -- I don't think his
22 understanding is going to be as significant as an evi--
23 evidentiary matter as getting testimony from those who were
24 involved in those events.

25 Q BY MR. HILGENFELD: Were you informed by your union that

1 Westoil and IBU were in negotiations concerning bidding on
2 Glencore?

3 MR. RIMBACH: Objection. Hearsay. Relevance.

4 JUDGE SANDRON: Well -- Mr. Hilgenfeld?

5 MR. HILGENFELD: Well, the Glencore bid is directly
6 relevant. One of the affirmative defenses that's been
7 raised --

8 JUDGE SANDRON: All right.

9 MR. HILGENFELD: -- in this matter (indiscernible).

10 JUDGE SANDRON: Right. But -- but I think my point is,
11 it's better if you get that in through testimony and documents
12 of individuals who were directly involved.

13 MR. HILGENFELD: Well, we will do that as well, Your
14 Honor. I'm -- I'm --

15 JUDGE SANDRON: Yeah.

16 MR. HILGENFELD: -- going to spend very long on it. I'm
17 just trying to understand this individual -- he was informed by
18 the union.

19 A I don't --

20 MR. RIMBACH: I would object to that in terms --

21 JUDGE SANDRON: I'll allow the --

22 MR. RIMBACH: -- of relevance and hearsay.

23 JUDGE SANDRON: I'll allow the one question, but I don't
24 think it's going to be very probative, but go ahead if you want
25 to ask that one question.

1 A So what was the question? I'm sorry. I got confused.

2 Q BY MR. HILGENFELD: I -- I'll try to reframe it the same
3 way I said it before, and I apologize if it's a little off.

4 Had you been informed that Westoil Marine Services and the IBU
5 were in discussions regarding a Glencore bid?

6 A Yes.

7 Q And what was that understanding?

8 MR. RIMBACH: Objection.

9 A That --

10 JUDGE SANDRON: All right. I'll allow that last question,
11 and then after that, I'm going to sustain the objection on
12 relevance grounds.

13 THE WITNESS: So -- so does that mean I answer it?

14 JUDGE SANDRON: Yes. You -- you --

15 THE WITNESS: I'm sorry.

16 JUDGE SANDRON: -- can answer that last question on -- go
17 ahead.

18 A I -- all I was told was that -- that the contract was
19 coming up, and that the Westoil union was bidding on it.

20 Q BY MR. HILGENFELD: Thank you, Mr. Buzard. With your --
21 were you aware that this -- I guess I'll -- I'll take a step
22 back. Is it a fair thing to state that the barge tankerman had
23 very little work as it relates to the ship assist portion of
24 the --

25 MR. RIMBACH: Objection. Vague. Relevance.

1 JUDGE SANDRON: What -- what period are you
2 (indiscernible) --

3 MR. HILGENFELD: I -- I'm really talking about anywhere,
4 but we can focus it.

5 Q BY MR. HILGENFELD: In 2021, is it fair to say that tru --
6 tug crew -- that a barge crewman, or a tankerman, has very
7 little involvement in a tug ship assist?

8 A Yes.

9 Q And when I say "tug ship assist", I'm not referring to --
10 to bunker barge ship assist, but actually cargo ship assist.
11 Do you understand that?

12 A Yes.

13 Q And as I understand it, cargo ship assist is the tug, and
14 the people on the tug or multiple tugs help a vessel for
15 whatever reason move around the harbor. Is that a fair way to
16 say it?

17 A Yes, correct.

18 Q Were you aware that the Starlight ship assist business,
19 where the tug side had gotten sold in the Saltchuk sale from
20 Cline to Saltchuk?

21 A Yes.

22 Q Were you aware that Starlight in San Francisco tugs were
23 short-staffed in 2021?

24 A No, I was not aware of that.

25 Q When you -- you had conver -- you had mentioned before

1 about being offered \$30.17; is that what you were ultimately
2 paid when you started working at Leo Marine?

3 A Yes.

4 Q And when you had conversations with Mike Castagnola in
5 2021, I believe you said February of 2021 was your best
6 understanding?

7 A Yes.

8 Q And I'm not trying to trick you here, I believe you said
9 that you had had two conversations with Mr. Castagnola, is that
10 correct?

11 A Yeah, I'm sure I had a few more, but yes.

12 Q And I'm talking strictly about taking employment with Leo
13 Marine Services.

14 A Okay, yes.

15 Q And I'm going to turn your attention to GC-24. And this
16 was February 20th; can you see GC-24 on your screen, Mr.
17 Buzard?

18 A No, I --

19 JUDGE SANDRON: I think it's showing up.

20 MR. RIMBACH: It's showing your desktop, I believe.

21 JUDGE SANDRON: Right.

22 MR. HILGENFELD: And I'm going to stop this, try again.

23 How about now?

24 THE WITNESS: Yes.

25 JUDGE SANDRON: I think it's showing it, yes.



1 MR. HILGENFELD: How -- I'll make it bigger. I know these
2 can be --

3 JUDGE SANDRON: They're hard to read, yes.

4 Q BY MR. HILGENFELD: Can you see GC Exhibit 24?

5 A Yes.

6 Q And you would agree that Mr. Castagnola doesn't make any
7 mention to going to San Francisco for union-related reasons?

8 MR. RIMBACH: Objection.

9 JUDGE SANDRON: Well, I think it speaks for itself. You
10 know, if it's not in there, it's not in there.

11 Q BY MR. HILGENFELD: Was your conversation with Mr.
12 Castagnola related to union issues before or after this text
13 message was sent?

14 A I'm sorry. Can you repeat the question?

15 Q Yeah, certainly. I believe you testified that Mr.
16 Castagnola said you had to go up to San Francisco because of
17 union jurisdiction issues; did I hear that correctly?

18 A Yes.

19 Q And was that conversation in your testimony before or
20 after this text message?

21 A That was before this text message.

22 JUDGE SANDRON: And as I recall, it was after your offer?

23 THE WITNESS: Yes.

24 Q BY MR. HILGENFELD: And this text message, you'll see, is
25 at February 20th at 8:36, and do you know if that's a.m. or

1 p.m.?

2 MR. RIMBACH: Objection. I'm sorry. Just for clarity,
3 this is an email, not a text message?

4 MR. HILGENFELD: Well, it's showing a text message, and
5 the text message says February 20th, 2021 at 8:36 a.m.,
6 correct?

7 MR. RIMBACH: This is an email.

8 JUDGE SANDRON: All right, well, either way, it's --
9 A Yes, I believe that's in the morning.

10 Q BY MR. HILGENFELD: Okay.

11 JUDGE SANDRON: It's a message either way, so.

12 MR. HILGENFELD: A message, correct.

13 Q BY MR. HILGENFELD: And this is the offer letter that
14 you're talking about here, correct?

15 A Yes.

16 Q And this is --

17 JUDGE SANDRON: This -- oh, are you showing him which
18 document now, because I think you're showing a different
19 document.

20 Q BY MR. HILGENFELD: GC Exhibit 23 is the offer letter; is
21 that correct?

22 A Yes.

23 Q And this came in at 10:58 a.m., correct?

24 A Yes.

25 JUDGE SANDRON: Well, okay -- well, the times are on the



1 document.

2 Q BY MR. HILGENFELD: And so if you received this email on
3 February 19th at 10:58 a.m., and you have the second
4 communication email at February 20th at 8:36 a.m.

5 A Um-hum.

6 Q Do you recall what time you had the phone conversation
7 with Mr. Castagnola?

8 A It was sometime in the morning before, or I might've sent
9 the -- I don't recall the exact time. I believe it was
10 sometime in the morning.

11 Q And where were you at when you called Mr. Castagnola?

12 A I was at work on my -- at my second job.

13 Q What was your second job?

14 MR. RIMBACH: Objection. Relevance.

15 JUDGE SANDRON: I don't think it makes any difference.

16 MR. HILGENFELD: Fair enough.

17 Q BY MR. HILGENFELD: What time of day did your second job
18 start?

19 A We started at, I believe, 6 in the morning.

20 MR. RIMBACH: Objection. Relevance.

21 JUDGE SANDRON: All right.

22 MR. HILGENFELD: I'm certainly allowed to understand
23 exactly what was -- he doesn't -- he said he doesn't
24 understand -- he didn't know when he called, and so I'm trying
25 to pinpoint a time of when this conversation allegedly

1 occurred.

2 MR. RIMBACH: That question was asked and answered.

3 JUDGE SANDRON: All right, all right. Did you call -- did
4 that call occur earlier in the morning?

5 THE WITNESS: Yes.

6 JUDGE SANDRON: And you were on your other job?

7 THE WITNESS: Yes.

8 JUDGE SANDRON: All right. Well, I think that's -- that's
9 sufficient.

10 Q BY MR. HILGENFELD: What do you recall specifically asking
11 Mr. Castagnola, to the best of your memory?

12 A I had asked him -- you're talking -- referring to the
13 phone call in the morning?

14 JUDGE SANDRON: Right, after the offer, after you got the
15 offer letter.

16 THE WITNESS: Okay. Well, I had talked to a few other
17 coworkers and I had heard that there was --

18 JUDGE SANDRON: All -- all right. I'll tell you what --
19 I'll tell you what, why don't you just go right to the
20 conversation you had with him?

21 THE WITNESS: Okay.

22 JUDGE SANDRON: And you know, exactly what you said and
23 what he said.

24 THE WITNESS: Okay. I asked him why I was going to San
25 Francisco when there was other Westoil employees that were

1 staying in L.A., and that's when he told me it had to do with
2 jurisdiction issues so the IBU couldn't -- couldn't claim
3 jurisdiction on the work. And I said okay, so it's just for a
4 short period? And he said yes, you know, for a couple of
5 months is what he told me on the phone. And then I followed up
6 with the email because I wanted it in writing that it would
7 only be for a shift -- or you know, for a short period.

8 Q BY MR. HILGENFELD: What other Westoil employees were
9 going to be working in L.A.?

10 A Jeff Cole and Ryan Quintana.

11 Q And were they IBU members?

12 A Yes, they were.

13 Q And in fact, Mr. Castagnola -- did Mr. Castagnola say for
14 IBU to assert jurisdiction to that mark?

15 A Yes. He -- I don't know if he said it with exact words,
16 but he pretty much said so the IBU couldn't claim jurisdiction
17 on the work.

18 Q In fact, you don't remember what his exact words were,
19 correct?

20 JUDGE SANDRON: Well --

21 MR. RIMBACH: Objection. (Indiscernible).

22 JUDGE SANDRON: -- I think it -- yeah, sustained. I mean,
23 the witness has testified that's his best recollection.

24 MR. HILGENFELD: I would offer a statement from Mr.
25 Buzard's statement, where he states the union jurisdiction

1 (indiscernible) --

2 MR. RIMBACH: Objection.

3 JUDGE SANDRON: Is that -- is that from his affidavit?

4 MR. HILGENFELD: Yes.

5 MR. RIMBACH: I would object that this is an inappropriate
6 introduction of that statement in this form.

7 JUDGE SANDRON: Well, Counsel can ask him to read it and
8 see if it refreshes him, if he wants.

9 Q BY MR. HILGENFELD: Mr. Buzard, if you want to look at
10 page 4.

11 A Okay.

12 Q Do you see where you say you don't remember his exact
13 words?

14 JUDGE SANDRON: All right, well, you -- you're reading it
15 into the record, but see if -- all right -- all right, I'll
16 assume that the -- when the witness gave his affidavit, he
17 didn't remember it word -- verbatim what was said in the
18 conversation, which I think is normally expected.

19 THE WITNESS: Yes.

20 Q BY MR. HILGENFELD: And Mr. Castagnola then told you, do I
21 understand the time frame right that on -- on or about February
22 22nd or 23rd, you then were coming back to L.A.; is that
23 correct?

24 A Yes, correct.

25 Q Did he ever tell you what had changed between this



1 conversation on February 20th and what had occurred on February
2 22nd or 23rd?

3 A Yes, he had said that they were shorthanded in L.A. and
4 that the cap -- some of the captains didn't feel comfortable
5 moving barges with the engineers that they had hired because
6 they didn't have any experience and they didn't know them, so
7 they were going to keep me and one of the other engineers that
8 were supposed to go to San Francisco down here in L.A.

9 Q Do you remember him saying anything else?

10 A I don't recall anything else.

11 Q Do you remember who the other engineer was?

12 A Yes, Raymond Blakeslee.

13 JUDGE SANDRON: Do we have that spelling? I'm not sure.

14 MR. HILGENFELD: We do, Your Honor.

15 JUDGE SANDRON: Oh, we do? Okay, fine.

16 Q BY MR. HILGENFELD: In fact, you were kept in L.A.; is
17 that correct?

18 A Yes, correct.

19 Q And there was testimony about working liveaboard in San
20 Francisco. You've actually worked the liveaboard in West -- in
21 Westoil for L.A. Long Beach, correct?

22 A Yes, correct.

23 Q Did Mr. Castagnola tell you why he did --

24 MR. HILGENFELD: Well, strike that. I think it's part of
25 the record.

1 Q BY MR. HILGENFELD: You talked about individuals had been
2 moved off of the guaranteed schedule to a casual schedule; do
3 you recall that?

4 A Yes.

5 Q Are you aware that Mr. Sogliuzzo has been on a leave of
6 absence for about ten months?

7 MR. RIMBACH: Objection. Relevance.

8 MR. HILGENFELD: Well, there's testimony that these
9 individuals are not allowed guaranteed schedules, and so I'm
10 just asking. There's not just a reason that -- I assume
11 they're going to the people who weren't available for work,
12 their availability, which he testified to, just goes to that
13 issue, Your Honor.

14 JUDGE SANDRON: Well, we're talking the -- yes, Mr.
15 Rimbach?

16 MR. RIMBACH: An employee's leave of absence is not
17 relevant, Your Honor.

18 MR. HILGENFELD: It is relevant as to why they weren't
19 working.

20 MR. RIMBACH: What's relevant is that they were moved to
21 casual status.

22 MR. HILGENFELD: But if they were moved to casual status
23 and still on a leave of absence, they would not be working. If
24 someone's on leave of absence, they just by definition are not
25 working.

1 JUDGE SANDRON: Well, I -- I think you can probably get
2 that in through another witness or other evidence. I -- I
3 don't think Mr. Buzard is the best witness to testify about
4 that.

5 MR. HILGENFELD: I --

6 JUDGE SANDRON: Unless you want to make an offer -- yes.

7 MR. HILGENFELD: I don't disagree, Your Honor, but there's
8 a lot of testimony about five or six different individuals who
9 were moved, and so.

10 JUDGE SANDRON: All right. All right, Mr. Rimbach, you --
11 those individuals were mentioned, but I'm not sure what
12 happened to them later is going to be irrelevant. We -- we're
13 talking about the -- the transition period, correct, Mr.
14 Rimbach?

15 MR. RIMBACH: Yes, Your Honor. I don't believe whether an
16 employee went on leave -- a leave of absence after the layoff
17 date at some point is relevant at this time.

18 JUDGE SANDRON: Well --

19 MR. HILGENFELD: It wasn't -- it wasn't a layoff date.
20 They were changed from a guaranteed schedule to a casual
21 schedule. And if someone's not working on a casual schedule
22 because they choose not to do so, but we'll move on. But I
23 don't --

24 JUDGE SANDRON: Yes.

25 MR. HILGENFELD: -- need the date in here.

1 JUDGE SANDRON: I mean, of course if -- if it gets to the
2 point of any kind of liability, then an employee's
3 unavailability, you know, can be considered, but I -- I agree,
4 I don't think it's relevant at this point.

5 Q BY MR. HILGENFELD: When you went to work for Leo Marine
6 Services, you were no longer performing work for Peninsula; is
7 that correct?

8 A I don't know.

9 Q And Westoil had a contract with Peninsula, correct?

10 A Yeah, I'm sorry. I -- I misunderstood the question. Yes,
11 when I went to work with Leo, we were not performing work for
12 Peninsula.

13 Q And that's -- was Aegean still doing work at that period
14 of time?

15 A I don't know.

16 Q Do you know if ADP has separate accounts for Leo Marine
17 and Westoil Marine?

18 A I don't. I'm sorry, separate accounts as far as?

19 Q Do you know if ADP has an account for Leo Marine and a
20 separate account for Westoil Marine Services?

21 A I'm not -- I don't -- I'm not understanding, like, did
22 I -- is it a separate website you go to, or I'm
23 misunderstanding the question.

24 Q Sure. I'll re -- I'll rephrase. I'll revise it and come
25 back. In the email that you sent to Mr. Sogliuzzo, you

1 testified, if I heard you correctly, that you were on the
2 lookout for any Leo work being performed by Westoil, correct?

3 A I wasn't on the lookout. It just -- I saw it, so I
4 reported it.

5 Q Okay. Did you report any other instances?

6 A I don't recall; I don't know.

7 Q Okay. Thank you, Mr. Buzard.

8 MR. HILGENFELD: No further questions.

9 JUDGE SANDRON: Let me -- I just want to make sure I
10 understand that Westoil -- Westoil Marine Services is a
11 separate company for purposes of this hearing to Westoil Barge;
12 is this -- is that correct?

13 MR. HILGENFELD: Your Honor, I -- you might -- I don't
14 think it's in dispute. Westoil -- Westoil Marine Services is
15 the barge company.

16 JUDGE SANDRON: Oh, oh, I see. I think I had it reversed.
17 Tug, I guess.

18 MR. HILGENFELD: Westoil -- Westoil Tug Services is the
19 tug barge.

20 JUDGE SANDRON: Right, right, tug company, okay.

21 MR. HILGENFELD: But for -- for the purposes of this
22 hearing, those are -- there's no dispute those are single
23 employers. So Westoil Tug and Barge means the same thing.

24 JUDGE SANDRON: Okay, I believe you had said that. All
25 right, thank you. I just wanted to make that clear in my own

1 mind. Thank you.

2 Mr. Rimbach, redirect?

3 MR. RIMBACH: Yes.

4 **REDIRECT EXAMINATION**

5 Q BY MR. RIMBACH: I know you work long nights, and so
6 you've probably been up for 24 hours.

7 A Right.

8 Q So I apologize for that. So I'm going to try to make sure
9 you finish today.

10 A Oh, that's okay, no worries.

11 Q You testified --

12 JUDGE SANDRON: If -- if possible. I mean, if it looks
13 like it's going to go over, then you'll just have to join us
14 tomorrow morning to finish, but let's see if we can finish him
15 today, if possible.

16 Q BY MR. RIMBACH: You testified on cross-examination, Mr.
17 Hilgenfeld asked you whether Michael Castagnola had disciplined
18 employees, and you referenced that a couple engineers were
19 removed from schedule. Can you explain what exactly that
20 means, being removed from the schedule?

21 MR. HILGENFELD: I'm going to object. I think that
22 mischaracterizes his testimony.

23 JUDGE SANDRON: Well, maybe you can just -- just so
24 there's no confusion, just ask him the question straight out.

25 Q BY MR. RIMBACH: Can you explain that again, what you just

1 stated, with respect to an instance where Mr. Castagnola
2 disciplined employees, that was your answer?

3 JUDGE SANDRON: Well -- well, I'm not sure he said
4 disciplined, but took action, I guess would be the way he said
5 it.

6 A Yeah, so in order to take a schedule on a boat, you have
7 to be checked off. One of the requirements that the company
8 has is you have to be checked off to fuel it. And one of the
9 engineers that was working on a schedule was working the
10 schedule for a while, and then said he wasn't comfortable
11 fueling it, and he got removed from sched -- the schedule
12 because he wasn't checked off to fuel the boat.

13 Q BY MR. RIMBACH: What effect does being removed from a
14 schedule have on an employee's hours?

15 A They drop drast -- then you -- you just go back to on-call
16 or the casual list.

17 JUDGE SANDRON: Do you -- did you know how long the
18 individual was put on the on-call list --

19 THE WITNESS: I don't know.

20 JUDGE SANDRON: -- if you know? Okay.

21 Q BY MR. RIMBACH: What effect does being removed from a
22 schedule have on an employee's pay?

23 A It drops it drastically.

24 Q And when you were working for Westoil Marine Services,
25 what percent of the time -- I believe you mentioned that the

1 percent of work that Westoil Marine Service performed in
2 gener -- general for Glencore ranged anywhere from about 25
3 percent to 60 percent; what about you personally, what percent
4 of the work that you were performing for Westoil Marine
5 Services was for Glencore?

6 A I think --

7 JUDGE SANDRON: You can think for a minute, and then give
8 us your best estimate.

9 A I'd say maybe a fifth or two-thirds of it. Or I'm sorry,
10 a fifth or a -- maybe a little bit more than, like, a fifth of
11 the work, at certain times when it was busy. Then when it was
12 slow, it was less.

13 Q BY MR. RIMBACH: When you said -- was it a fifth, up to
14 two-thirds or just around a fifth?

15 A Right -- right around a fifth. I -- you know, we -- if we
16 moved five barges during the summer, usually one of them was
17 a -- a Glencore barge.

18 Q Okay.

19 A So 20 percent, maybe. Maybe a little bit more, maybe a
20 little bit less.

21 JUDGE SANDRON: When you were saying between about 20 to
22 25 percent?

23 THE WITNESS: Yeah, correct.

24 JUDGE SANDRON: Okay.

25 THE WITNESS: Yes, sorry, correct.

1 JUDGE SANDRON: Okay. I'm not putting words in your
2 mouth, but I'm just trying to interpolate your answer.

3 Q BY MR. RIMBACH: You were asked on cross about tying a tug
4 to handling lines with Crowley; what is Crowley?

5 A Crowley is one of the other tugboat companies in the
6 harbor.

7 Q And what is Jankovich?

8 A Al -- also another tug -- I'm sorry, that's a, like, the
9 fuel dock, and they also have a few tugboats and a couple of
10 small lube oil barges.

11 JUDGE SANDRON: Do we have that spelling in the record?

12 MR. HILGENFELD: I misspelled it previously, Your Honor.

13 I --

14 JUDGE SANDRON: Okay, fine.

15 MR. HILGENFELD: -- just put it in the record properly
16 with the court reporter.

17 JUDGE SANDRON: Okay, thank you.

18 MR. RIMBACH: I don't know how Crowley is spelled. I
19 don't know if --

20 MR. HILGENFELD: C-R-O-W-L-E-Y.

21 JUDGE SANDRON: Thank you.

22 MR. RIMBACH: Thank you.

23 Q BY MR. RIMBACH: When you're using one of the crew change
24 vehicles, either with Westoil Marine Services or Leo Marine
25 Services, did you keep track of the mileage when you drove?

1 A No.

2 MR. RIMBACH: If I could just have one minute, Your Honor.

3 JUDGE SANDRON: Yes.

4 MR. RIMBACH: Thank you, Mr. Buzard. I have no further
5 questions.

6 JUDGE SANDRON: Do either of the counsels for the Charging
7 Parties have any questions for the witness?

8 MR. IGLITZEN: I do not, Your Honor.

9 MR. WOJCIECHOWSKI: I have -- I have just one, Mr. Buzard.
10 I don't know. I don't think I introduced myself. I'm counsel
11 for MMP here.

12 **CROSS-EXAMINATION**

13 Q BY MR. WOJCIECHOWSKI: Can you clarify when you saw the
14 Lucy Franco tied up at LA301?

15 A I don't -- I -- it was a while ago; I don't recall even
16 what year it was in --

17 Q Okay.

18 A -- but it was -- yeah, I don't recall. It was probably
19 two or three years.

20 Q Just some estimate of -- oh, two or three years, okay,
21 in --

22 A Yeah.

23 Q -- in that range ago, all right.

24 MR. WOJCIECHOWSKI: That's -- that's all I had, thank you.

25 Mr. Hilgenfeld, any re-cross?

1 MR. HILGENFELD: None from the Respondents, Your Honor.

2 JUDGE SANDRON: All right, we have just a few minutes
3 before 5:30 Eastern. So I'm just going to ask the -- the
4 witness a couple of questions about when you went from being a
5 captain with Leo Marine to being a captain with Westoil, and
6 we'll use this Westoil because they're -- the two companies are
7 basically stipulated to being a joint employer or single
8 employer. Did you have to fill out another appli -- did you
9 have to fill out an application for that change?

10 THE WITNESS: No, I did not.

11 JUDGE SANDRON: And how did you apply for that?

12 THE WITNESS: I -- I didn't apply. The -- one of the
13 captains that was working at Westoil had got another job, so he
14 left, and so I moved over and they sent me -- I had to fill out
15 all the W-2, all that paperwork again, but I never filled out
16 an application.

17 JUDGE SANDRON: So -- so were you basically solicited to
18 move over?

19 THE WITNESS: Yes.

20 JUDGE SANDRON: In -- in other words -- and that was --
21 who -- who told you that they wanted you to move over?

22 THE WITNESS: Well, I -- I actually wanted to move over
23 because --

24 JUDGE SANDRON: Right.

25 THE WITNESS: -- that was a better schedule. I -- I liked

1 the time better, the start time of the -- the tugboat for
2 Westoil worked better for me.

3 JUDGE SANDRON: So -- so had you indicated an interest in
4 that position?

5 THE WITNESS: Yes.

6 JUDGE SANDRON: And then who actually told you that you
7 would be moved over; do you recall who told you that?

8 THE WITNESS: I don't recall.

9 JUDGE SANDRON: Do you recall whether -- whether it was
10 somebody with Leo Marine or somebody with Westoil, if you can
11 recall?

12 THE WITNESS: I think it was -- I --

13 JUDGE SANDRON: All right, well, don't guess.

14 THE WITNESS: Oh. I'm pretty sure it was Brian Vartan was
15 the one that told me.

16 JUDGE SANDRON: All right.

17 THE WITNESS: Like, you're going to move over to -- to
18 Westoil, but --

19 JUDGE SANDRON: Would -- would you have --

20 THE WITNESS: -- I'm not 100 percent sure.

21 JUDGE SANDRON: All right. So you believe it was him?

22 THE WITNESS: Yes.

23 JUDGE SANDRON: All right.

24 Any -- any follow-up questions from any counsel, based on
25 my questions?

1 MR. RIMBACH: No, Your Honor.

2 MR. HILGENFELD: No, Your Honor.

3 JUDGE SANDRON: Mr. Hilgenfeld?

4 MR. HILGENFELD: No, Your Honor.

5 JUDGE SANDRON: Okay, Mr. Buzard. Thank you very much.
6 You've been testifying for a long time, and I -- I realize
7 you're probably very tired, so I hope you get a good rest after
8 this. So you're excused, and the only thing I would ask is
9 that you not discuss your testimony with any other witnesses
10 until after the trial is over.

11 THE WITNESS: Okay, not a problem. All right, thank you.

12 MR. RIMBACH: Thank you, Mr. Buzard.

13 JUDGE SANDRON: Bye now.

14 One -- one thing I -- I just want to mention before we go
15 off the record. It might be helpful if, at a later point at
16 least, the General Counsel can represent on the record which
17 employees were subpoenaed.

18 MR. RIMBACH: I'm happy to do that.

19 JUDGE SANDRON: And you can do that at a later point.
20 We'll -- we'll accept your representations as to who was
21 subpoenaed.

22 All right. Well, I think we got done with ten minutes to
23 spare, although I would say I'd be willing to go five minutes
24 past the 5:30 if it was a matter of finishing a witness, but we
25 were able to finish him early enough. So we adjourn, then,

1 until tomorrow morning at 9 Pacific, 12 noon.

2 Is there anything from anyone before we go off the record
3 for the day?

4 MR. DICROCCO: Nicki (phonetic throughout), what about
5 you?

6 JUDGE SANDRON: Okay --

7 MR. HILGENFELD: I'm sorry, Brian. What was that?

8 MR. DICROCCO: Oh, I'm sorry, that -- my bad, yeah.

9 JUDGE SANDRON: That's all right. Okay. Well, thank you,
10 Mr. DiCrocco. We're glad you were able to join us for today.

11 COURTROOM DEPUTY: You're very welcome, Judge.

12 JUDGE SANDRON: So we will then stand adjourned until
13 tomorrow morning. Everybody have a good afternoon and a good
14 evening.

15 MR. RIMBACH: Thank you.

16 MS. YASSERI: Thank you.

17 MR. HILGENFELD: Thank you, everyone.

18 **(Whereupon, the hearing in the above-entitled matter was**
19 **recessed at 2:21 p.m., until Friday August 12, 2022 at 9:00**
20 **a.m.)**

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C E R T I F I C A T I O N

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 21, Case Numbers 19-CA-273208, 19-CA-273220, 19-CA-273226, 19-CA-273928, 19-CA-273985, 19-CA-273771, 19-CB-273986, 21-CA-273926, Leo Marine Services, Inc., Olympic Tug & Barge, Inc., and Centerline Logistics Corporation and Olympic Tug & Barge, Inc. and Centerline Logistics Corporation and Leo Marine Services, Inc. and Centerline Logistics Corporation, Westoil Marine Services, Inc., and Harley Marine Financing, LLC, held at the National Labor Relations Board, Region 21, 312 North Spring Street, Tenth Floor, Los Angeles, CA 90012, on August 11, 2022, at 9:09 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.



JACQUELINE DENLINGER

Official Reporter

Centerline Logistics
Corporation, Leo Marine
Services, inc., and Olympic
Tug & Barge, Inc.

21-CA-273926

and

International Organization of
Masters, Mates & Pilots, AFL-
CIO.

Place: Los Angeles, California (Zoom videoconference)

Dates: August 12, 2022

Pages: 667 through 759

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 21

<p>In the Matter of: LEO MARINE SERVICES, INC., OLYMPIC TUG & BARGE, INC., AND CENTERLINE LOGISTICS CORPORATION</p>	<p>Case Nos. 19-CA-273208</p>
<p>and</p>	
<p>OLYMPIC TUG & BARGE, INC.</p>	<p>19-CA-273220</p>
<p>and</p>	
<p>CENTERLINE LOGISTICS CORPORATION</p>	<p>19-CA-273226 19-CA-273928</p>
<p>and</p>	
<p>LEO MARINE SERVICES, INC.</p>	<p>19-CA-273985</p>
<p>and</p>	
<p>CENTERLINE LOGISTICS CORPORATION, WESTOIL MARINE SERVICES, INC., AND HARLEY MARINE FINANCING, LLC</p>	<p>19-CA-273771</p>
<p>and</p>	
<p>SEAFARERS INTERNATIONAL UNION</p>	<p>19-CB-273986</p>
<p>and</p>	
<p>INLANDBOATMEN'S UNION OF THE PACIFIC</p>	
<p>and</p>	

CENTERLINE LOGISTICS
CORPORATION,
LEO MARINE SERVICES, INC., AND
OLYMPIC TUG & BARGE, INC.

21-CA-273926

and

INTERNATIONAL ORGANIZATION OF
MASTERS, MATES & PILOTS, AFL-
CIO

The above-entitled matter came on for hearing, via Zoom
videoconference, pursuant to notice, before **IRA SANDRON**,
Administrative Law Judge, at the National Labor Relations
Board, Region 21, 312 North Spring Street, Tenth Floor, Los
Angeles, California 90012, on **Friday, August 12, 2022, 9:05
a.m.**

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WITNESS

DIRECT

CROSS

REDIRECT

RECROSS

VOIR DIRE

Jay Ubelhart

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E X H I B I T SEXHIBITIDENTIFIEDIN EVIDENCE**General Counsel:**

GC-28

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Respondent:

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Joint:

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1 P R O C E E D I N G S

2 JUDGE SANDRON: The courtroom deputy today is Jacquelyn
3 Judge, J-U-D-G-E.

4 So does the General Counsel -- do you have your next
5 witness?

6 MR. RIMBACH: Yes, Your Honor. It is, Mr. Jay Ubelhart.

7 JUDGE SANDRON: Okay. Mr. Ubelhart, if you'll raise your
8 right hand, I'll swear you in.
9 Whereupon,

10 JAY UBELHART

11 having been duly sworn, was called as a witness herein and was
12 examined and testified, telephonically as follows:

13 JUDGE SANDRON: Could you state and spell your full and
14 correct legal name and provide us with an address, either work
15 or residence?

16 THE WITNESS: Jay, J-A-Y, Ubelhart, U-B-E-L-H-A-R-T.
17 1512 -- work address, 1512 Ballard Avenue, Northwest, Seattle,
18 Washington 98107. Did you want my home address also?

19 JUDGE SANDRON: No, that's fine. So thank you, that'd be
20 sufficient.

21 Okay. Now, Mr. Rimbach? I think we can't hear you.

22 DIRECT EXAMINATION

23 Q BY MR. RIMBACH: Good morning, Mr. Ubelhart.

24 JUDGE SANDRON: Oh. There you go.

25 Q BY MR. RIMBACH: My name is Thomas Rimbach. I'm serving

1 as Counsel for the General Counsel of the National Labor
2 Relations Board. I thank you for being here this morning to
3 testify at this hearing. Who is your current employer?

4 JUDGE SANDRON: Did you get broken off? I think you got
5 broken. You want to repeat that?

6 Q BY MR. RIMBACH: Who is your current employer?

7 A The Inlandboatmen's Union of the Pacific Marine Division
8 of the ILWU.

9 Q What is the ILWU?

10 A International Longshore and Warehouse Union?

11 Q Is Inlandboatmen's Union of the Pacific also referred to
12 as IBU?

13 A Yes.

14 Q What kind of employees does IBU represent?

15 A We represent marine employees primarily in -- for tug boat
16 companies and ferry companies from Alaska, down the West Coast
17 through Los Angeles, and Hawaii. People that work on tugboats,
18 barges, operate ferries. And we have other, a few other, you
19 know, types of employees in not specifically marine positions,
20 but primarily that's who we represent.

21 Q When did you first start working for the IBU?

22 A Originally in February of 2004.

23 Q And what was your position when you first started in 2004?

24 A I was a -- a passenger industry business agent for the
25 Puget Sound Region.

1 Q And how long did you hold that position for?

2 A At that time for two years.

3 Q So that was until about 2006?

4 A Well, actually, till December of -- of 20-05 -- or 2005.

5 Q What happened in December -- what happened in around
6 December of 2005 with respect to your employment?

7 A There was an election for the position and someone else
8 got the position. And so I went back to my regular job.

9 Q What was your regular job?

10 A As a deckhand at the Washington State Ferries.

11 Q And how long did you work as a deckhand with the
12 Washington State Ferries after you left the IBU in about the
13 end of 2005?

14 A Three years. And then there was another election. And I
15 was reelected in 2008.

16 Q Okay. And when you say you were reelected, was that again
17 with the IBU?

18 A Yeah. I was elected as a passenger industry business
19 agent for the Inlandboatmen's Union.

20 Q How long did you hold that position when you returned to
21 the IBU in about 2008?

22 A For six years until December 15th, 2014, which was --

23 Q What happened with respect to your employment as of
24 December of 2014?

25 A There was another election. Someone else won the

1 position. And I went back to work as a deckhand at Washington
2 State Ferries.

3 Q And how long did you work as a deckhand with the
4 Washington State Ferries when you started in 2014?

5 A For six years until December of 2020.

6 Q And what happened in December of 2020?

7 A I was elected to my current position as president of the
8 Inlandboatmen's Union.

9 Q And is that your current job title, president?

10 A Yes.

11 Q What are your job duties as president of the IBU?

12 A As president, I oversee the overall administration and
13 operation of all of our regions up and down the west coast and
14 in Hawaii.

15 Q How many regions are there?

16 A The IBU is one National Union, but because we're
17 geographically split up, we've separated, we've -- we've
18 designated seven different regions. And they are the Southern
19 California Region, which goes from the Mexican border up to
20 a -- a point on the California coast between L.A. and San
21 Francisco.

22 The San Francisco Region, Columbia River Region, Puget
23 Sound Region, the Alaska Region, Hawaii Region, and one called
24 Region 37, which represents cannery workers in Alaska.

25 Q Okay.

1 JUDGE SANDRON: About how many employees total does IBU
2 represent?

3 THE WITNESS: About --

4 JUDGE SANDRON: About?

5 THE WITNESS: -- 2600, maybe 2800. It -- it varies but
6 somewhere in that range.

7 JUDGE SANDRON: All right.

8 Q BY MR. RIMBACH: Do you know how many employees are
9 represented in the Southern California Region?

10 A 200, a bit more than 200, I think, at this period of time.

11 Q Does the IBU have any staff with respect to each
12 particular Region?

13 A Yes. Each Region has an elected Regional Director and
14 depending on the size of the Region, they could have a staff
15 person, such as a secretary or a business agent. And that's
16 lined out depending on the number of people in each Region,
17 members in each Region.

18 Q Who is the Regional Director for the Southern California
19 Region of IBU?

20 JUDGE SANDRON: Excuse me. Mr. Hilgenfeld, did you have
21 something to say?

22 MR. HILGENFELD: I don't -- yeah, I just -- I noticed
23 there's a name on here I just haven't seen before. I'm just
24 confirming that person's not -- not going to be a witness.

25 JUDGE SANDRON: Who -- who is that?

1 MR. HILGENFELD: Mr. Abercrombie?

2 MR. RIMBACH: I can double check to see if I recognize
3 that name.

4 JUDGE SANDRON: And that's A-B-E-R-C-R-O-M-B-I-E. Do you
5 recognize it now?

6 MR. RIMBACH: Yes, Your Honor. That is a nonparticipant
7 observer. I'm not sure whether he's a former or current
8 employee of Westoil.

9 JUDGE SANDRON: All right. That's fine. He's not going
10 to be a witness though.

11 MS. JUDGE: How about Antonio -- excuse me, how about
12 Antonio of MMP?

13 MR. HILGENFELD: I believe he's the MMP representative.

14 MS. JUDGE: So should he be --

15 MR. HILGENFELD: Yes, please.

16 MS. JUDGE: -- so should he be going video or --

17 MR. HILGENFELD: I believe --

18 MR. RIMBACH: He does not have to be on video.

19 MS. JUDGE: Okay.

20 MR. RIMBACH: Thank you.

21 MS. JUDGE: Um-hum.

22 JUDGE SANDRON: Thank you, Ms. Judge.

23 Go ahead.

24 Q BY MR. RIMBACH: Who is the Regional Director for the
25 Southern California region of the IBU?

1 A John Skow.

2 Q And is that spelled, J-O-H-N, last name, S-K-O-W?

3 A Yes.

4 JUDGE SANDRON: And how long has he been in that position?

5 THE WITNESS: I --

6 JUDGE SANDRON: As best as you know.

7 THE WITNESS: I think 12 years, maybe a little bit more.

8 I don't know when he was first elected.

9 Q BY MR. RIMBACH: Now, I'd like to ask you about a specific
10 employer, Centerline Logistics Corporation. Are you familiar
11 with Centerline?

12 A Yes.

13 Q How are you familiar with Centerline?

14 A I'm aware of it because Centerline is a tug and barge
15 company based out of Seattle, Washington. That and Centerline
16 was a rebranding name of Harley Marine Services, which is a tug
17 and barge company based in Harbor Island in Seattle,
18 Washington. And they've just been a player in the industry for
19 some decades, actually.

20 Q Does IBU have any type of relationship with Centerline?

21 A Yes. We -- we represent a couple of different companies
22 that are subsidiaries, companies of Centerline.

23 Q What companies?

24 A Westoil Marine Services in Los Angeles Long Beach and
25 Pacific Maritime, which is in Alaska.

1 Q Do you know about how long IBU has represented employees
2 employed by Westoil Marine Services?

3 A 25 to 30 years. You know, I don't know -- do not know
4 when the first CBA was completed but it's been more than 20
5 years.

6 Q Does IBU currently represent those Westoil and Marine
7 Services employees?

8 A Yes.

9 Q Do you know the bargaining unit that's represented at
10 Westoil Marine Services?

11 A Do I know them, I mean, personally or --

12 Q In terms of the classifications of the employees, the job
13 classifications?

14 A Yes.

15 Q What job classifications are those?

16 A We represent engineers on the tugboats, deckhand
17 engineers, deckhands, and tankermen.

18 Q Have you been involved at all in labor relations matters
19 involving Westoil Marine Services?

20 A Yes, I have.

21 Q What has been your involvement?

22 Q Soon after I was elected in December of 2020, where I
23 became aware of some issues at Westoil, where the company had
24 gone to the Regional Director and said that they wanted some
25 concessions in order to keep getting oil contracts in L.A. Long

1 Beach. And so I was brought into some meetings when that
2 started to happen in January of 2021.

3 JUDGE SANDRON: So you're talking about the IBU Regional
4 Director?

5 THE WITNESS: The IB -- of Inlandboatmen's Union's
6 Regional Director, John Skow.

7 Q BY MR. RIMBACH: I want to ask you about Olympic Tug &
8 Barge. Are you familiar with that company?

9 A Yes, I am.

10 Q How are you familiar with Olympic Tug & Barge?

11 A Just -- Olympic Tug & Barge is a company that was started
12 in Seattle as an original -- originally as a small tugboat
13 company that later came under the umbrella of Harley Marine
14 Services, which later became Centerline Logistics. And so
15 Olympic Tug & Barge is a tug and barge company that's, you
16 know, operates in the Puget Sound and Southern California and
17 in other areas of the West Coast.

18 Q Do you know whether Olympic Tug & Barge is a Unionized
19 company on the West Coast?

20 A On the West Coast, it is not at this time, to my
21 knowledge.

22 Q Now, I want to turn again to Westoil Marine Services.
23 Where does Westoil Marine Services perform its work in terms of
24 the represented bargaining unit that IBU represents?

25 A They perform work in and around the L.A. Long Beach Harbor

1 and -- primarily in the harbor, but there could be times when
2 they go, you know, outside the breakwater and -- but primarily
3 in the L.A. Long Beach harbors.

4 Q Just briefly, do you have an understanding of what the
5 tankermen do for Westoil Marine Services?

6 A Yes. You know, tankermen -- so Westoil primarily moves
7 oil or other petroleum type products and via tank barges, which
8 are just large barges with tanks in them and a series of piping
9 and pumps. And so a tankerman is a person that works on those
10 barges, and either is the person in charge or helps connect
11 hoses, piping, run pumps and valves to, you know, either unload
12 or offload or transfer liquid petroleum products between the
13 shore and the barge, a barge or ship, or whatever it needs to
14 do.

15 JUDGE SANDRON: Is that fairly typical industry wide for
16 that position?

17 THE WITNESS: Yes. You would have tankermen working on,
18 you know, tank barges for all sorts of companies and --

19 Q BY MR. RIMBACH: And what is your understanding, briefly,
20 about what the deckhand classification does for Westoil Marine
21 Services?

22 A Deckhands primarily work on the tugboats. So the barges
23 are not self-propelled. So these barges would have to be moved
24 around with the help of a tug, which could be --

25 MR. ABERCROMBIE: This guy's a fucking idiot.

1 MR. RIMBACH: I'm sorry. If we could pause. Mr.
2 Abercrombie, if you could please mute yourself.

3 MR. ABERCROMBIE: Oh, I'm sorry.

4 Q BY MR. RIMBACH: Mr. Ubelhart, could you explain again
5 what the deckhands do?

6 A They work on tugs and then they, their duties are to, you
7 know, untie a tug, tie up to a barge, hook it up to either tow
8 it, push it, or take it alongside.

9 JUDGE SANDRON: Okay. I want to ask you. Are you
10 testifying about your general knowledge, or do you have
11 specific knowledge of what those company employees do?

12 THE WITNESS: General knowledge.

13 Q BY MR. RIMBACH: And just briefly, what do these deckhand
14 engineers do for Westoil Marine Services?

15 JUDGE SANDRON: Well, I think he really is talking about
16 his general knowledge of those positions because he said he
17 doesn't have personal knowledge of things. I think he needs --
18 you need you need to clarify the question.

19 MR. RIMBACH: Sure.

20 Q BY MR. RIMBACH: In your -- what is your general
21 understanding of what a deckhand engineer does?

22 A They perform the regular duties of a deckhand and have
23 additional duties in the engine room.

24 Q What are those additional duties?

25 A They would, you know, if -- they would go down before a

1 tug, you know, if they were tied up to a dock they'd, you know,
2 make sure that, check the oil, check the machinery is ready to
3 go. And then they would perform maintenance tasks. And should
4 something come up that's repairable in the day-to-day running
5 of the boat, they would do it. And if it were a bigger
6 problem, they would have to report it to a port engineer and
7 have work performed somewhere else or by someone else.

8 MR. RIMBACH: We have a question from the courtroom
9 deputy. So if I may, I'm just going to check on our list of
10 observers. Yes, I believe that is Eric DiStefano, who is
11 another nonparticipant observer who may be admitted as a non --
12 as a non-witness. Thank you so much.

13 JUDGE SANDRON: Could you spell it -- could you spell his
14 name since we've identified him?

15 MR. RIMBACH: E-R-I-C, last name D-I-S-T-E-F-A-N-O.

16 JUDGE SANDRON: All right. And there's also a Louis I see
17 in the waiting room. Does anybody recognize who that
18 individual is?

19 MR. RIMBACH: Yes. That should be another nonparticipant
20 observer, Your Honor.

21 JUDGE SANDRON: All right. And he can be admitted.
22 That's L-O-U-I-S is the name that we have.

23 MR. RIMBACH: Thank you.

24 JUDGE SANDRON: Okay. Well, I think at a certain point
25 we'll just let people wait in the waiting room until we get an

1 appropriate break. Because otherwise we're going to be
2 interrupting the hearing too frequently.

3 MS. JUDGE: Yeah. They're going in and out.

4 JUDGE SANDRON: Right. We can't keep going back and forth
5 with that. So if anybody else comes in, this -- they'll have
6 to wait until we get a convenient stopping point.

7 MR. RIMBACH: During our break, I can email the list to
8 Ms. Judge like I emailed to the prior courtroom deputies.

9 JUDGE SANDRON: Yes. Right. That would be helpful.

10 Q BY MR. RIMBACH: What is your understanding of, generally,
11 of what the licensed engineers do?

12 A Licensed engineers, are they -- the license is awarded by
13 the United States Coast Guard, and it depends on tonnage and
14 horsepower. And they are a licensed officer. And they
15 primarily work, you know, in the engine room and overall
16 responsibility for all the mechanical and electrical systems on
17 a vessel.

18 Q And you're referring to the tugboats?

19 A Yes.

20 Q When you said vessel?

21 A Yeah. The tug -- a vessel is self-propelled. So a
22 tugboat's got engines and propels itself.

23 Q What is the difference between a licensed engineer and a
24 deckhand engineer?

25 A A licensed engineer has gone through the education and

1 testing requirements in the United States Coast Guard to be
2 awarded a license. And it could be a, you know, third
3 engineer, second engineer, assistant engineer, chief engineer.
4 They're all just progressive steps, depending on education and
5 other, you know, qualifications.

6 Q In terms of their duties, they're similar, however?

7 A Yes, you know, on a -- on a bigger ship, let's say, not a
8 tug, you'd have a chief engineer, and an assistant engineer,
9 and maybe second and third engineers that, you know, the chief
10 is overall in charge and the others, you know, have duties as
11 assigned.

12 Q When you first started working for IBU in December of
13 2020, do you know how many regularly scheduled employees there
14 were in the bargaining units at Westoil Marine Services?

15 A Approximately 30.

16 Q Do you know whether there are any additional employees who
17 are nonscheduled or casual?

18 A About another 30 that were not scheduled hours but worked.

19 Q What does it mean to be a scheduled employee?

20 A A scheduled employee with Westoil was just people that,
21 you know, had a set, repeatable schedule and with some sort of
22 guaranteed hours, you know, so many hours a month, let's say.

23 Q Do you know -- do you recall how many hours a month that
24 was for the scheduled employees at Westoil?

25 A I really don't know the actual number, no.

1 Q And what does it mean to be a nonscheduled or casual
2 employee?

3 A Those are employees that are, you know, identified by the
4 company. Some have seniority, some do not. But they're on
5 a -- a list and are called in by seniority to fill in when
6 scheduled employees are absent for whatever reason.

7 Q Are the casual employees guaranteed any hours?

8 A No.

9 Q Are the casual employees also referred to as on-call
10 employees?

11 A They're similar. I don't know. I think they're called
12 casuals, I think, in the contract. But they're -- it's a
13 similar position.

14 Q I'd like to show you what's marked as GC Exhibit 28. This
15 is a document consisting of 38 pages.

16 A Okay.

17 Q Can you see the first page here?

18 A Yes.

19 Q And I can scroll down, just to ensure that you recognize
20 this entire document.

21 MR. RIMBACH: It's been uploaded on SharePoint for the
22 convenience of all the parties and Your Honor. Let me know if
23 I'm scrolling too fast.

24 Q BY MR. RIMBACH: Do you recognize this document, Mr.
25 Ubelhart?

1 A Yes. That's the collective bargaining agreement between
2 the Inlandboatmen's Union and Westoil Marine Services and
3 Millennium Maritime.

4 Q Is this collective bargaining agreement currently in
5 effect?

6 A Yes, until November 30th, 2022.

7 Q I see here that Millennium Maritime is listed as a party
8 to this agreement. What is Millennium Maritime?

9 A Millennium Maritime was -- IBU represented a tugboat unit
10 that -- that tugboat in general moved the Westoil Marine
11 Services barges.

12 Q Do you know what happened to Millennium Maritime? You
13 said that it was the company that ran the tugboats.

14 A Yeah, it was -- it's out of business now. It may have
15 been sold off, the name, but it's no longer a Olympic Tug &
16 Barge or Centerline company.

17 Q Was that work per -- transferred anywhere else?

18 A Well, for a while, Millennium didn't exist. And right now
19 I think it's called the Westoil Tug Services. It may -- that
20 may be a brand new entity or --

21 Q Does either --

22 JUDGE SANDRON: I think -- excuse me, if you know. If you
23 know, then you can say so. If you're not certain or you don't
24 know, that's fine, also.

25 Do you wish to offer the agreement?

1 MR. RIMBACH: Yes, Your Honor. I'd like to offer GC
2 Exhibit 28 into evidence.

3 JUDGE SANDRON: Any objection?

4 MR. HILGENFELD: No objection.

5 JUDGE SANDRON: The document is received.

6 **(General Counsel Exhibit Number 28 Received into Evidence)**

7 Q BY MR. RIMBACH: Does IBU currently represent employees
8 who were working for Millennium Maritime?

9 A Yes.

10 Q Can you explain?

11 A Well, they work on tugboats with Westoil Marine -- or
12 Westoil Tug Services.

13 JUDGE SANDRON: So between the two Westoil companies, they
14 cover all the employees that are contained in this agreement?

15 THE WITNESS: Yes.

16 JUDGE SANDRON: Between the two?

17 THE WITNESS: Yes.

18 MR. RIMBACH: I would like to turn to page 35 of the CBA.
19 Just for the record, this is page 37 of the PDF of the exhibit,
20 but it's internally paginated. So I'll refer to the original
21 numbers that are part of the CBA.

22 Q BY MR. RIMBACH: This shows that Doug Houghton signed this
23 collective bargaining agreement on behalf of Westoil Marine
24 Services and Millennium Maritime. Do you know who Doug
25 Houghton is?

1 A Yes.

2 Q Who is he to your understanding?

3 A Right now he's the West Coast Vice President for
4 Centerline Logistics.

5 JUDGE SANDRON: Do you know what his position was in
6 September of 2018 when he signed the agreement, if you know?

7 THE WITNESS: I have no personal knowledge of that, just
8 what's written on the page.

9 JUDGE SANDRON: All right.

10 Q BY MR. RIMBACH: Who is Marina Secchitano,
11 S-E-C-C-H-I-T-A-N-O?

12 A She was the president of the Inlandboatmen's Union at that
13 time.

14 Q So you replaced her?

15 A Yes.

16 Q Okay. At the time that you became IBU president, around
17 December of 2020, do you know whether Westoil Marine Services
18 performed work for certain customers?

19 A Yes.

20 Q Are you familiar with the company called Glencore?

21 A Yes.

22 Q How are you familiar with Glencore?

23 A Glencore was a company that -- Westoil had a contract with
24 Glencore to move petroleum products for Glencore.

25 Q What is your understanding of what Glencore is as a



1 company?

2 A They buy and sell, you know, petroleum products and then
3 diesel or bunker fuel and they buy it from bigger oil companies
4 or whoever they buy it from, bring it to their facility and
5 then distribute it to their customers.

6 Q Do you recall the names of any other companies at this
7 time that Westoil performed work for around December of 2020?

8 A I don't have specific companies.

9 Q Does Westoil currently perform work under any contract
10 with Glencore?

11 JUDGE SANDRON: If you know.

12 THE WITNESS: I don't believe they do.

13 Q BY MR. RIMBACH: How do you know that?

14 JUDGE SANDRON: Excuse me.

15 Mr. Hilgenfeld?

16 MR. HILGENFELD: It sounds like Mr. Rimbach is going to
17 ask a follow up to get to that issue.

18 JUDGE SANDRON: All right.

19 Go ahead.

20 Q BY MR. RIMBACH: How do you know that Westoil does not
21 currently perform work for Glencore?

22 A In January of 2021, at a meeting with Westoil management
23 and John Scow and some others, we -- I was told, I was at the
24 meeting -- that the Glencore contract had been awarded to
25 Olympic Tug & Barge and not to Westoil.

1 JUDGE SANDRON: All right. Mr. Hilgenfeld, can that be
2 stipulated, or do we need to have the foundation made by Mr.
3 Rimbach?

4 MR. HILGENFELD: No. I think that's -- I don't want to
5 try and say stipulated, but I'm not going to make a foundation
6 on this objection.

7 JUDGE SANDRON: All right.

8 Q BY MR. RIMBACH: I'd like to discuss that meeting but
9 before we do --

10 JUDGE SANDRON: All right. Well, if you're going to
11 discuss the meeting, then why don't you lay the foundation for
12 it first.

13 MR. RIMBACH: Oh, sure. I'm not there quite yet. I'd
14 like to show Mr. Ubelhart GC Exhibit 29. It's a one page
15 document.

16 JUDGE SANDRON: Could you make it a little large -- see
17 it, okay. Thank you. It's a little larger.

18 Q BY MR. RIMBACH: Do you recognize this document that's
19 dated December 28th, 2020?

20 A Yes.

21 Q What is this document?

22 A That was a press release that was put out by Centerline,
23 December 28th, 2020 announcing a business deal where they
24 bought assets from Saltchuk Marine Services, and they sold some
25 assets to Saltchuk Marine Services.

1 MR. RIMBACH: I'd like to offer GC Exhibit 29 into
2 evidence.

3 JUDGE SANDRON: Any objection?

4 MR. HILGENFELD: No objection.

5 JUDGE SANDRON: The document is received.

6 **(General Counsel Exhibit Number 29 Received into Evidence)**

7 Q BY MR. RIMBACH: Now, you referenced a meeting in January
8 2021 regarding a discussion over the Glencore contract. Do you
9 recall that meeting?

10 A Yes.

11 Q Do you recall about when in January that occurred?

12 A There was more than one meeting in January with Westoil
13 management and the IBU over this issue.

14 JUDGE SANDRON: When did you first become aware of that
15 issue? Do you recall? Approximately.

16 THE WITNESS: In late December or very early January to --
17 late December 2020 or early January 2021.

18 JUDGE SANDRON: And how did you find out about it,
19 originally?

20 THE WITNESS: John Skow, the Regional Director of the IBU
21 in Southern California, you know, informed me that the company
22 had, prior to my election, come to the Inlandboatmen's Union
23 and asked for some concessions of the -- in the contract in
24 order to maintain the Glencore work or to keep the Glencore
25 contract.

1 JUDGE SANDRON: And where -- when was your first
2 communication with the company about that? Do you recall?

3 THE WITNESS: Early January -- it would have been at a
4 meeting in January, maybe. I don't recall the date.

5 JUDGE SANDRON: It was -- was that who call -- was that at
6 a regularly scheduled meeting or was it specially called?

7 THE WITNESS: It was a -- no, I -- I didn't make the
8 actual meeting, I mean, I didn't, you know -- so I don't recall
9 how it was initiated and it was not regularly scheduled -- we
10 had an issue on the table that we needed to discuss with
11 management.

12 Q BY MR. RIMBACH: Do you recall whether that meeting was in
13 Zoom or by person -- in person?

14 A That would have been by Zoom.

15 Q Do you recall who was present on behalf of the employer?

16 A Doug Houghton, and I believe Brian Vartan, and John Skow,
17 and myself, and some IBU representative employees and shop
18 stewards.

19 JUDGE SANDRON: And where were they from, the shop
20 stewards and the business representative?

21 THE WITNESS: The -- the shop stewards were shop stewards
22 at Westoil that worked for the company.

23 JUDGE SANDRON: And that's in Los Angeles Long Beach or
24 Long Beach Los Angeles?

25 THE WITNESS: Yeah, in Los Angeles -- in Los Angeles Long

1 Beach.

2 Q BY MR. RIMBACH: So the shop stewards were employees of
3 Westoil Marine Services?

4 A Yes.

5 Q Can you describe what happened at this meeting where you
6 first spoke with an employer representative in respect to the
7 Glencore contract?

8 JUDGE SANDRON: Well, I think it might be better to say
9 who said what, starting from the beginning as best as you
10 remember.

11 THE WITNESS: So we convened the meeting and Doug Houghton
12 was the main spokesperson for the company, you know, said that,
13 the Westoil contract was, you know, the -- excuse me, the
14 Glencore contract was going out for bid and that Centerline
15 Logistics was going to have not only Westoil, but also some of
16 its nonunion subsidiaries, specifically Olympic Tug & Barge,
17 bid on the contract to do the Glencore work. And he said that
18 Westoil was not competitive because of essentially the cost of
19 the Union contract. And they wanted some concessions in order
20 to bid competitively.

21 JUDGE SANDRON: Did you respond to that?

22 THE WITNESS: We did not agree to the concessions. And we
23 then had a few meetings where we went back and forth on
24 possible, you know, scenarios where we might be able to come to
25 an agreement, which we ultimately never did.

1 Q BY MR. RIMBACH: Do you recall any further specific
2 statements from that meeting?

3 A Not -- I do not right now, no.

4 Q And do you recall any other specific meetings in January
5 20 -- 2021 at this time besides that one?

6 A I -- I do not.

7 JUDGE SANDRON: Do you recall how many meetings there
8 were? As best as you remember?

9 THE WITNESS: I think three over that issue.

10 JUDGE SANDRON: And do you recall how the last meeting
11 ended? If you remember. As you say, there were some
12 discussions, but they were unsuccessful. Do you remember how
13 the last meeting concluded?

14 THE WITNESS: Well, I mean, the company wanted what
15 amounted to, you know, 13 percent overall savings in the
16 Inlandboatmen's Union. And they wanted some flexibility in
17 scheduling and a number of specific takebacks that the
18 Inlandboatmen's Union could not agree to, so --

19 JUDGE SANDRON: Okay.

20 THE WITNESS: -- just --

21 JUDGE SANDRON: So -- so would it be accurate to say that
22 at the conclusion of the meeting, there was agreement that you
23 could not agree on those terms? The parties could not agree?

24 THE WITNESS: Yeah, the parties could not agree. And we
25 weren't told -- it was in January when we were told that

1 Olympic Tug & Barge had been awarded the Glencore contract,
2 so --

3 JUDGE SANDRON: Was that before or after your last
4 meeting? If you remember.

5 THE WITNESS: I don't recall which meeting it was. We
6 were told that Westoil did not get the -- that Olympic Tug &
7 Barge got the contract, so --

8 JUDGE SANDRON: Oh. I see. Was it one of those meetings
9 before the last -- either at or before the last meeting?

10 THE WITNESS: Yes. It was in January of 2021 when we were
11 told.

12 JUDGE SANDRON: At one of those meetings that you
13 mentioned?

14 THE WITNESS: Correct.

15 Q BY MR. RIMBACH: Do you know when that contract had been
16 awarded, the Glencore contract had been awarded to Olympic Tug
17 & Barge?

18 A I don't have a -- I do not have a date. I've never even
19 seen the -- that particular contract.

20 Q Did the reassignments or award of the Glencore contract to
21 Olympic Tug & Barge affect the IBU bargaining unit members with
22 Westoil Marine Services?

23 A Yes, eventually.

24 Q How so?

25 A Well, the -- the Westoil -- Westoil Marine lost that work.

1 And so it resulted in less hours and then eventual layoffs for
2 IBU Westoil employees.

3 Q Do you know how many Westoil employees were laid off that
4 were IBU bargaining unit numbers?

5 A There were ten scheduled employees that were laid off,
6 initially. And then it filtered down to -- the casual
7 employees also lost work opportunities.

8 Q When did those layoffs occur?

9 A The actual layoffs, I believe, were Mar -- effective March
10 1st, 2021. But notices had gone out before that to employees.

11 Q And when you say regular -- about ten regularly scheduled
12 employees were laid off, what does that mean exactly with
13 respect to their employment status?

14 A They were given notice that they were laid off and no
15 longer had regularly scheduled hours during any particular
16 month. And, you know, they, in effect, became casual employees
17 and could possibly get work filling in for people who were not
18 laid off or for other spot work.

19 Q And you mentioned that this --

20 JUDGE SANDRON: Excuse me, sir, is it your understanding
21 that some of the Union employees stayed and then others were
22 dropped down to casual to fill in; is that correct?

23 THE WITNESS: Yes. There were -- Westoil did not layoff
24 all of its scheduled employees. They -- they laid off ten
25 specifically named scheduled employees.

1 JUDGE SANDRON: I see. So it affected part of the
2 bargaining unit?

3 THE WITNESS: Correct.

4 Q BY MR. RIMBACH: You mentioned that this had a trickledown
5 effect to the casual employees at that time. Can you explain
6 that?

7 A Well the -- you know, so you had a workforce of scheduled
8 employees and, you know, they -- they earned time off and they
9 had days off and sometimes people get sick or whatever. So
10 there's a fairly good size casual list of employees who, when a
11 scheduled employee was not at work for whatever reason, they
12 would be called to fill in. And many of those got -- a lot of
13 them got very close to full-time work. I mean, 1900 to well
14 over 2,000 hours a year from records I've seen.

15 JUDGE SANDRON: So that's before the layoff?

16 THE WITNESS: Correct.

17 Q BY MR. RIMBACH: And how did it affect their ability to
18 get work when the layoffs happened, these casual employees at
19 the time?

20 A It would just -- their opportunity to get work was reduced
21 because certainly, the -- the ten people who had actually been
22 laid off would, you know, have more seniority than them and
23 they would be eligible to get some of the casual work and
24 eventually the people, you know, at the bottom of that casual
25 list didn't have enough work or didn't have work.

1 Q Do you know whether the casual employees obtained work?
2 Is it based on seniority?

3 A Yes. It's seniority. And, you know, they'd go through a,
4 you know, dispatch system to get work.

5 Q Now, you mentioned that there were about 25 to 30
6 scheduled employees at the time of the layoff. Is that right?

7 A Yeah. I believe so, yes.

8 Q About how many regular scheduled employees were there
9 after the layoff?

10 A Well, ten less so, you know, 15 to, you know -- there were
11 15 to 25, maybe somewhere in there. I don't know the exact
12 number of employees who are on schedule at this time. I just
13 don't go into that level of detail.

14 Q Do you know whether the laid-off employees applied to any
15 other jobs at Centerline or its affiliated companies?

16 JUDGE SANDRON: Well, I think, again, I don't know if -- I
17 don't know if we've had testimony from individuals who were
18 directly affected. I don't know if Mr. Ubel (sic) -- what's
19 the last name, Ubelhart would have, you know, would have direct
20 knowledge at his level.

21 MR. RIMBACH: Understood. I can move on Your Honor.

22 Q BY MR. RIMBACH: I'd like to show you what's marked as GC
23 Exhibit 30. It's a document dated February 2nd, 2021, at the
24 top. Filed with the office of the Secretary of State of the
25 State of Washington. I'll just scroll down. It consists of

1 two pages. Let me know if I'm scrolling too fast. Mr.
2 Ubelhart, do you recognize this document?

3 A Yes. It's a -- I do recognize the document.

4 Q Okay. Do you know what this document is?

5 A It's just registering with the Washington State Secretary
6 of State, a name change of a corporation.

7 Q Have you heard of Starlight Marine Services that's listed
8 here before?

9 A Yes, I have.

10 Q Do you recall when you first saw this document?

11 A Sometime in early February, it was forwarded to me by
12 someone.

13 MR. RIMBACH: I'd like to offer a GC Exhibit 30 into
14 evidence.

15 JUDGE SANDRON: Any objection?

16 MR. HILGENFELD: Just not necessarily an objection. I'm
17 just having a hard time. Was this into SharePoint, Thomas?
18 Did you -- I didn't notice --

19 JUDGE SANDRON: Oh. I see.

20 MR. RIMBACH: It should be as GC Exhibit 30.

21 JUDGE SANDRON: Can you find it, Mr. Hilgenfeld?

22 MR. HILGENFELD: Well, I -- just one moment please, I
23 haven't. It kicked me out so now I have to put a new code in,
24 so -- yeah. Very particular.

25 MR. RIMBACH: And just -- I'm sorry. Could we please go

1 off the record just for one minute?

2 JUDGE SANDRON: Yes. Off the record.

3 (Off the record at 9:55 a.m.) JUDGE SANDRON: I understand
4 there's no objection, Mr. Hilgenfeld?

5 MR. HILGENFELD: No objection.

6 JUDGE SANDRON: All right. General Counsel Exhibit 30 is
7 received.

8 **(General Counsel Exhibit Number 30 Received into Evidence)**

9 **RESUMED DIRECT EXAMINATION**

10 Q BY MR. RIMBACH: And do you recall -- do you know what
11 Leo --

12 JUDGE SANDRON: Do you want to pull it down? Did you want
13 to pull it down, since --

14 MR. RIMBACH: Oh, sorry. I just had one more question
15 about this document.

16 JUDGE SANDRON: Oh, oh, on the document, okay. Go ahead.

17 Q BY MR. RIMBACH: Do you recognize the name Leo Marine
18 Services that's listed here?

19 A Yes.

20 Q And when did you first become aware of this entity, Leo
21 Marine Services?

22 A When this document was first shown to me, sometime in
23 early February 2021.

24 JUDGE SANDRON: All right. Was it shown to you by a
25 company that -- a representative of a company, or did you see

1 this in some other way?

2 THE WITNESS: I was forwarded the document from a Westoil
3 employee who found it online at the Secretary of State -- State
4 of Washington, you can -- it's -- most things are sunshines
5 (phonetic throughout). It's pretty easy to find things like
6 that.

7 Q BY MR. RIMBACH: Now you testified that the Glencore
8 contract had been awarded to Olympic Tug & Barge. Do you know
9 whether Olympic Tug & Barge ended up actually performing that
10 work for Glencore?

11 A I actually do not know whether Olympic Tug & Barge ever
12 did that, because the equipment transfer between Saltchuk and
13 Centerline Logistics was announced, like, the 28th of December.
14 But it took some months to get -- you know, some of the assets
15 hadn't physically been transferred, or -- and so you know,
16 Olympic may have moved some stuff. I don't have -- no personal
17 knowledge of that but --

18 Q If you don't know, that's okay. Do you know what entity
19 is currently performing the Glencore work?

20 A Center -- Leo Marine Services.

21 Q How do you know that?

22 A Because the contract with Glencore was -- originally, we
23 were told awarded to Olympic Tug & Barge, but then it went to
24 Leo Marine. And Leo Marine tugs and barges are going to
25 Glencore and picking up oil and moving it.

1 Q Who told you that?

2 A Workers from Westoil who, you know, are on the ground.

3 Q And that's in your --

4 JUDGE SANDRON: Okay.

5 Q -- capacity as an IBU representative that you spoke with
6 them?

7 JUDGE SANDRON: All right. I think Mr. Hilgenfeld, you're
8 objecting on foundation?

9 MR. HILGENFELD: And hearsay, Your Honor, both.

10 JUDGE SANDRON: All right, all right. I think it's
11 probably better to get that evidence from -- from people who
12 are more directly involved.

13 MR. RIMBACH: Sure. It's just corroborating evidence,
14 Your Honor, I understand. I'll move on.

15 Q BY MR. RIMBACH: Do you know whether at any time, Leo
16 Marine Services employees were represented by a Union?

17 A Yes, they were, for a period of time.

18 Q What Union was that?

19 A The Seafarers International Union.

20 Q When is the first time you learned that SIU represented
21 employees employed by Leo Marine Services?

22 JUDGE SANDRON: Let me just interrupt. Are we going to
23 have any dispute over the facts regarding Leo Marine and SIU as
24 far as the events that unfolded? Are we going to have any
25 dispute over the chronology or sequence of events? Mr.

1 Hilgenfeld, is there going to be any dispute over whether --

2 MR. HILGENFELD: I -- I don't think so, Your Honor, but it
3 kind of -- that's a very broad question, so it's hard for me to
4 just --

5 JUDGE SANDRON: Right.

6 MR. HILGENFELD: -- say entirely we would have no dispute.

7 JUDGE SANDRON: Well --

8 MR. HILGENFELD: But I think in general, we don't have a
9 dispute. We recognize the SIU through a card check. We engage
10 in negotiations --

11 JUDGE SANDRON: All right, well --

12 MR. HILGENFELD: -- (indiscernible) contract, so I think
13 that's undisputed.

14 JUDGE SANDRON: All right, why -- why don't we go off --
15 go off the record for a moment. Why don't the parties discuss
16 whatever stipulations you can enter into regarding Leo Marine
17 and SIU. And that would obviate the need for unnecessary
18 testimony.

19 MR. RIMBACH: Sure. Maybe if we can have Mr. Ubelhart go
20 into a breakout room because the facts that I'll --

21 JUDGE SANDRON: Yes.

22 MR. RIMBACH: -- ask for stip -- stipulation on then, Mr.
23 Ubelhart will testify about.

24 JUDGE SANDRON: Or -- or -- or do Counsels want to go into
25 a breakroom?

1 MR. HILGENFELD: I think it would be better if Counsels
2 went into it. And honestly, I would -- if you're going to
3 put -- there's going to be a lot of stipulations, Thomas. I'd
4 like them in writing just so I can see them.

5 MR. RIMBACH: Yes. Well there's not too many. For
6 example --

7 JUDGE SANDRON: So do you want -- all right, so do you
8 want to take, like, what, 10 or 15 minutes to see what you can
9 do as far as --

10 MR. RIMBACH: It -- it would probably be less than that.
11 Like maybe five at the most.

12 JUDGE SANDRON: All right. So what -- maybe -- Ms. Judge,
13 you could put Counsels in a breakroom?

14 MR. RIMBACH: As well as Ms. Yasser, please.

15 JUDGE SANDRON: And who else would like to be in that
16 discussion? Mr. Iglitzin? Mr. Wojciechowski, do you want to
17 be involved as well in this forum?

18 MR. RIMBACH: Thank you.

19 MR. WOJCIECHOWSKI: Yes, please.

20 JUDGE SANDRON: All right, and Ms. Yufa?

21 MR. WOJCIECHOWSKI: Yeah, please, my --

22 MS. YUFA: Yes, please.

23 JUDGE SANDRON: All right, we can have all the Counsels go
24 in. All right, we'll set up a breakroom, we'll go off the
25 record. It's going on about 1:05. Let's come back at maybe

1 1:15 p.m. That's -- I'm talking Eastern Time, so that would be
2 11:15 -- or 10:15, excuse me, your time. So off the record.
3 (Off the record at 10:03 a.m.)

4 JUDGE SANDRON: The parties have spent considerable time
5 fashioning a stipulation of facts. And as I have said off the
6 record, although it took a certain amount of time, I think it
7 was well worth it, because it will not only make for a cleaner
8 record, but also it will save us a considerable amount of
9 witness testimony time. So the -- all parties have agreed to
10 the Joint exhibit, which I will now admit as Joint Exhibit 2.
11 **(Joint Exhibit Number 2 Received into Evidence)**

12 JUDGE SANDRON: So I think then we're ready to resume
13 examination of Mr. Ubelhart.

14 MR. RIMBACH: Thank you, Your Honor.

15 JUDGE SANDRON: And if you want to just pull down the --
16 the screen, just so we can see -- thank you.

17 MR. RIMBACH: Again, thank you for allowing us to spend
18 the time to reach that stipulation, Your Honor.

19 Mr. --

20 Oh, I see Mr. Ubelhart just disappeared from the screen.
21 Okay.

22 I'm sorry -- oh, there we go.

23 JUDGE SANDRON: There he is. Okay.

24 MR. RIMBACH: Mr. Ubelhart, we're getting ready to -- are
25 you ready to resume?

1 THE WITNESS: Yeah, and about -- actually, I'm in a hotel
2 room, and that was, like, I got a late checkout, but they were
3 just banging on the door. So I may have to move this location
4 at about 1.

5 JUDGE SANDRON: All right.

6 THE WITNESS: Just it --

7 JUDGE SANDRON: Ho -- hopefully we'll be able to at least
8 finish your direct before that time. Okay.

9 THE WITNESS: Thank you.

10 MR. RIMBACH: I'm going to skip over the line of
11 questioning we previously started before we took a break, Mr.
12 Ubelhart. It's no longer necessary in light of the stipulation
13 that was reached.

14 THE WITNESS: Okay.

15 **RESUMED DIRECT EXAMINATION**

16 Q BY MR. RIMBACH: I'd like to show you what's marked as GC
17 Exhibit 31. It's a document consisting of two pages. It's a
18 letter dated March 5th, 2021, addressed to Matt Godden and
19 Michael Castagnola. And on the second page it's signed by you,
20 it appears. Is that accurate?

21 A Yes.

22 Q Do you recognize this letter?

23 A Yes, I wrote it.

24 Q What is this document?

25 A It's a request to Centerline for information. You know,



1 certainly before March 5th, the IBU became aware that the SIU
2 had a contract with Leo Marine, and we did not believe that --
3 that -- you know, we disagreed with whether or not they would
4 have that. And so we were requesting information, because we
5 were having an organizing drive on our own for Leo Marine.

6 Q How did -- do you recall how you sent this letter?

7 A I believe email and US mail. But one of the two.

8 MR. RIMBACH: I'm sorry, I think -- I hear a lot of
9 typing. It might be the court reporter, I apologize.

10 MR. WOJCIECHOWSKI: No it was me; I'm muting. Thanks,
11 sorry.

12 MR. RIMBACH: Okay. Okay, thank you, sorry about that.

13 Q BY MR. RIMBACH: Why did you send this latter to Matt
14 Godden?

15 A Because he was the president and CEO of Centerline
16 Logistics, and also the president of Leo Marine. And then
17 Michael Castagnola was the other person that -- listed as
18 someone from Leo Marine, or cap -- port engineer.

19 JUDGE SANDRON: Do you wish to offer the document?

20 MR. RIMBACH: Yes, Your Honor. I'd like to offer GC
21 Exhibit 31 into evidence.

22 JUDGE SANDRON: Any objection?

23 MR. HILGENFELD: No objection, Your Honor.

24 JUDGE SANDRON: The document is received.

25 **(General Counsel Exhibit Number 31 Received into Evidence)**

1 Q BY MR. RIMBACH: How did the IBU become aware that Leo
2 Marine and Centerline signed a collective bargaining agreement
3 with SIU?

4 A On or about February 19th, or -- or within a day of that,
5 I received screenshots of Westoil employees' phones, where --
6 where they were given an offer of employment letter from Leo
7 Marine. And in the offer letter, it said that they would have
8 to become members of the SIU in order to work for Leo Marine.
9 And they had to respond by February 22nd, 2021, in order to
10 accept that job offer.

11 Q In this letter, why did you request the names and contact
12 information of Leo Marine employees?

13 A So that we could reach out and contact them and approach
14 them to start a -- an organizing drive, and so we could talk to
15 them about why the Inlandboatmen's Union would be a better
16 choice than the SIU.

17 Q Why did you request their dates of hire?

18 A Because there were some, you know -- I learned out later
19 that the SIU said they had a contract on February 19th, and
20 they were soliciting employees still on February 19th. So --

21 JUDGE SANDRON: Oh. Okay. All right, hold on. Mr.
22 Hilgenfeld is waving his hand.

23 Yes? You object on --

24 MR. HILGENFELD: Mr. Rimbach asked why he submitted it in
25 this letter, and then Mr. Ubelhart started testifying about

1 something he learned after he sent it.

2 JUDGE SANDRON: Yes, that's true. So I think you have to
3 limit your answer to what was in your mind at that time. And
4 later, if there's more information that Mr. Rimbach wants, or
5 asking later questions, that -- so --

6 MR. RIMBACH: I'll rephrase my question, Your Honor.

7 JUDGE SANDRON: Yes. And can you pull down the document
8 now, just if you're done with it? Or do you have any more on
9 the --

10 MR. RIMBACH: Oh. Oh, sorry, I'm referencing the
11 document, Your Honor. (Indiscernible).

12 JUDGE SANDRON: Oh, you're still -- okay. All right, then
13 we'll keep it up, okay.

14 MR. RIMBACH: Thank you.

15 Q BY MR. RIMBACH: Do you see here towards the bottom; you
16 requested the employees' dates of hire?

17 A Yes.

18 Q At the time you sent this letter, why did you send this
19 request for the employees' dates of hire?

20 A So that we could determine whether or not they had
21 employees when they were recognized -- a majority of employees
22 when they recognized the SIU.

23 Q Why did you request the employees' job classifications?

24 A Just so we knew the, you know, parameters of the -- the
25 jurisdiction under that CBA.

1 Q And why did you request the employees' rates of pay?

2 A Because we wanted to be able to compare the SIU rates to
3 the IBU rates, which the IBU rates, we knew to be higher.

4 Q Now I'm scrolling up to the first paragraph. It states
5 that information was provided to the SIU. What is the basis
6 for that belief that you had?

7 A Westoil employees, who went to Leo Marine, got
8 solicitations from the SIU, and because they were not former
9 SIU people, the only way I -- the SIU could have gotten their
10 contact information is through the employer.

11 Q Did you have discussions with IBU employees regarding
12 that? Is that the basis of your knowledge?

13 A Yes. You know, they sent me cop -- like, either
14 screenshots from their phones of, like, a letter from the SIU
15 explaining what they had to do, and the initiation they had to
16 pay, et cetera.

17 JUDGE SANDRON: I think we had that in the record already.

18 Q BY MR. RIMBACH: Did you receive a response from
19 Centerline or Leo Marine Services to this March 5th, 2021
20 letter?

21 A No.

22 Q Did Centerline or Leo Marine ever provide the IBU with the
23 information that you requested in this letter?

24 A No.

25 JUDGE SANDRON: Did -- just to make sure we cover all

1 bases; did you ever have any conversations with Centerline or
2 Leo Marine about your requests? Any --

3 THE WITNESS: No.

4 Q BY MR. RIMBACH: I'd like to now show you what's marked as
5 GC Exhibit 32. It's an email dated March 10th, 2021, from Matt
6 Godden to you and John -- just for the record --

7 MR. HILGENFELD: Your Honor --

8 Q -- do you know who John --

9 MR. RIMBACH: Oh, go ahead, Mr. Hilgenfeld.

10 MR. HILGENFELD: Your Honor, we -- this is what we
11 presented a motion in limine about, FRE 408 communications.
12 The Union, the IBU presented a global proposal that involved a
13 lot of different issues on January 14th, 2021. There were
14 ongoing communications. This is a part of those ongoing
15 communications. It's not proper to be submitted in this case.

16 JUDGE SANDRON: On what basis is that?

17 MR. HILGENFELD: FRE 408. These are part of the global
18 settlement conversation regarding a number of different issues.

19 JUDGE SANDRON: Mr. Rimbach, what's your response to that?

20 MR. RIMBACH: I believe it's relevant, Your Honor. It
21 goes directly to the unlawful recognition allegations here.

22 MR. HILGENFELD: Your Honor, it's -- it's not relevant.
23 The decision's already been made, but it also doesn't matter if
24 it's relevant or not. FRE 408 prohibits offers of compromise
25 being offered by the parties. The Board has recognized FRE 408

1 in Miami Systems Corp 320 NLRB 71, Note 2, (1995), modified but
2 affirmed on point by Shelby Business Forms v. NLRB 111 F.3d,
3 1284, 1293-1294. See also R. Sabee Company, 351 NLRB 1350,
4 Note 3, (2007). The reason being --

5 MR. RIMBACH: Your Honor --

6 JUDGE SANDRON: Go -- wait -- wait one second. Go ahead,
7 then I'll hear other Counsels.

8 MR. RIMBACH: I -- I also dispute Mr. Hilgenfeld's
9 characterization of this meeting as settlement discussions. I
10 don't believe that's the -- even the case.

11 MR. HILGENFELD: He's wrong.

12 MR. IGLITZIN: Your Honor, if -- if I could be heard at
13 some point.

14 JUDGE SANDRON: Yes. Go ahead.

15 MR. IGLITZIN: So the fundamental error in Mr.
16 Hilgenfeld's motion or objection is, besides from the fact that
17 there was no litigation ongoing that this was involving
18 settlement, is that ER 408 has very specific limitations as to
19 the use of communications in settlement negotiations, such as
20 taking it as admissions of liability.

21 Until we hear the testimony, I don't believe you're going
22 to hear anything -- factual statements asserted by a party in
23 settlement negotiations are not excluded even under ER 408.
24 And I guess, I don't think we know enough -- at this point, I
25 would suggest that you hear the testimony that General Counsel

1 wants to elicit, and then subject to a -- a motion by Mr.
2 Hilgenfeld to strike if he thinks it for some reason does fall
3 within the scope of ER 408.

4 JUDGE SANDRON: All right.

5 MR. IGLITZIN: What I'm looking at now is a procedural
6 communication that the parties were having conversations,
7 nothing substantive.

8 JUDGE SANDRON: Mr. Hilgenfeld?

9 MR. HILGENFELD: On January 14th, John Skow presented a
10 proposal to Westoil and to Centerline. Centerline was involved
11 in litigation regarding wage and meal periods. Mr. Skow
12 proposed a waiver of wage and -- of meal periods. Subsequent
13 conversations all along regarding the res -- resolution of that
14 settlement. There were global conversations regarding multiple
15 pieces of litigation. All of these communications from January
16 14th through, I believe June, involved those communications.

17 If we get into it, we're going to have to open the record
18 for a whole record to kind of walk through exactly what was
19 happening at that time. The decision at this point had been
20 made. But these were communications regarding a settlement.

21 MR. IGLITZIN: And just -- and just to be clear, the --
22 the IBU was not party to the litigation Mr. Hilgenfeld is
23 referencing.

24 JUDGE SANDRON: Mr. Rimbach?

25 MR. RIMBACH: The General Counsel was also not a party to

1 this litigation. And in addi -- in addition, we are not going
2 to present any evidence with respect to any wage and hour
3 litigation.

4 JUDGE SANDRON: All right. Well I'll -- all right. Well,
5 Mr. Hilgenfeld, I'm going to go an -- going to allow.
6 Obviously, I haven't had an opportunity to research further the
7 arguments of Counsels at this point, and I'm not going to delay
8 going forward. We'll see where Mr. Rimbach is going with this,
9 and then if you wish to make a motion to exclude the -- well I
10 haven't admitted it at this point. I'll hold off on that. But
11 let -- let's see where Mr. Rimbach goes, and then I'll make a
12 determination of whether the document and also maybe testimony
13 that he's going to elicit should not be allowed under FRE 408.

14 Go ahead, Mr. Rimbach, for now.

15 MR. RIMBACH: Thank you, Your Honor.

16 Q BY MR. RIMBACH: Was there a meeting that was scheduled
17 after this email was sent?

18 A Yes, there was, and it was scheduled and took place on
19 March 12th, 2021.

20 MR. RIMBACH: I'd like to offer GC Exhibit 32 into
21 evidence.

22 JUDGE SANDRON: All right.

23 I assume, Mr. Hilgenfeld, you object?

24 MR. HILGENFELD: Objection previously noted.

25 JUDGE SANDRON: All right. I think I'll give the General

1 Counsel and Mr. Iglitzin an opportunity to provide me any
2 citations.

3 I think Mr. Iglitzin, you had indicated that you don't
4 believe this falls under FRE 408, and I think you stated why.
5 If there's anything that you can provide as far as citation,
6 that would be helpful.

7 MR. IGLITZIN: Yeah, just the plain language of ER 408
8 does not exclude it.

9 JUDGE SANDRON: All right.

10 And Mr. Rimbach, I also gave you that opportunity. So
11 we'll hold that in abeyance for the moment, until I have an
12 opportunity to further examine the grammars of 408.

13 MR. HILGENFELD: I would like to make one note for the
14 record, Your Honor.

15 JUDGE SANDRON: Yes.

16 MR. HILGENFELD: Part of the FRE 408 communication is the
17 meal and rest period did involve Centerline, and it did involve
18 Westoil. That's why Centerline was involved in these
19 settlement conversations. So that would be part of the
20 Employer's position on that.

21 JUDGE SANDRON: Well what were the -- and just so -- I
22 don't know if we can maybe get a handle -- these settle --
23 settlement discussions were related to what? Or maybe that we
24 can at least get an agreement on as to what they were --

25 MR. HILGENFELD: They were related to a lot of different

1 global issues.

2 JUDGE SANDRON: All right, Mr. Rimbach?

3 MR. RIMBACH: Your Honor, FRE 408 prohibits the use of
4 settlement offers or other statements as evidence regarding the
5 merits of the underlying claim that is a subject of the
6 settlement. I am only going into discussions about the
7 Respondent's recognition of SIU.

8 JUDGE SANDRON: All right, we'll see where you go.

9 MR. RIMBACH: Is -- there may be a little bit with respect
10 to as well, the work with Westoil. But again, I'm not going
11 into any issue with respect to meal and rest periods that Mr.
12 Hilgenfeld was referring to.

13 JUDGE SANDRON: All right. Well I -- why don't -- why
14 don't you go ahead, and we'll see where you go. And then I'll
15 make a determination later on the document. But how -- how far
16 are you going to go into these subsequent discussions? I
17 guess that's the question, because -- yes.

18 MR. RIMBACH: Not by much, Your Honor. It's brief.

19 JUDGE SANDRON: All right, go -- all right go ahead.
20 We'll --

21 MR. RIMBACH: All right. I'd just like to also say,
22 Shamrock Foods, 369 NLRB Number 5, slip opinion at 3, footnote
23 15. It's a 2020 case.

24 JUDGE SANDRON: What was that cite again? Let me --

25 MR. RIMBACH: Sure. It's Shamrock Foods, 369 NLRB Number

1 5. It's a 2020 case, and the page citation is slip opinion at
2 3, footnote 15.

3 JUDGE SANDRON: Okay.

4 Can I get your citations again, Mr. Hilgenfeld, so I can
5 check them? Not right at this moment, but after we have a
6 recess?

7 MR. HILGENFELD: Certainly. Miami Systems Corporation,
8 320 NLRB 71, Note 2, (1995), modified but affirmed on point by
9 Shelby Business Forms, 111 F.3d, 1284 and cite 1293 to 94.
10 Also Sabee Corp, 351 NLRB 1350, Note 3, (2007).

11 JUDGE SANDRON: Okay. I will -- I will look at those
12 respective citations and then decide whether to admit the
13 document.

14 So go ahead, Mr. Rimbach, with further questions. You've
15 indicated you don't have that many along these lines. So why
16 don't you go ahead?

17 MR. RIMBACH: Thank you, Your Honor.

18 Q BY MR. RIMBACH: This meeting on March 12th, 2021, what
19 kind of -- how was this meeting held?

20 A Via Zoom, or Teams.

21 Q Do --

22 A I -- I forget which platform, but Zoom or Teams, or sim --
23 similar.

24 Q Do you remember about what time that meeting was?

25 A I don't recall the actual time, no.



1 Q Do you recall who was present on behalf of the Union?

2 A Yes. It was myself, Regional Director of Southern
3 California, John Skow, the IBU secretary treasurer, Terri Mast,
4 the ILWU international president, Willie Adams, and the ILWU
5 secretary treasurer, Ed Ferris.

6 JUDGE SANDRON: Okay, and could you just spell those
7 names?

8 MR. RIMBACH: Sure. Terri Mast is T-E-R-R-I, last name
9 M-A-S-T. Willie Adams is W-I-L-L-I-E, last name A-D-A-M-S. Ed
10 Ferris is E-D, last name F-E-R-R-I-S.

11 JUDGE SANDRON: All right. I think to avoid maybe any
12 issues Mr. Hilgenfeld has raised, maybe you can limit your
13 questions to the witness regarding the recognition issue,
14 limited to that. We don't need the whole context, or -- or
15 the -- all the -- all the other discussions regarding different
16 subjects that are not, you know, at issue here.

17 MR. RIMBACH: Thank you.

18 Q BY MR. RIMBACH: Who was present on behalf of the
19 employer?

20 A Matt Godden and Doug Houghton.

21 Q Why were the representatives from ILWU at this meeting?

22 A In the earlier email from Matt Godden to me, he suggested
23 that he thought that the ILWU presence would be helpful.

24 Q Now what was discussed, if anything, regarding the
25 employer's recognition of SIU?

1 JUDGE SANDRON: Well, let me just back up. Do you recall
2 who raised that subject of -- of the recognition? If you -- if
3 you do? Or who brought it up first?

4 THE WITNESS: At that meeting?

5 JUDGE SANDRON: Yes.

6 THE WITNESS: It would have been me; I think.

7 JUDGE SANDRON: And do you recall what you said, and what
8 the response was, if any?

9 THE WITNESS: At that meeting in particular, I brought up
10 that one of the biggest problems was the expansion of
11 jurisdiction. And where the SIU just expanded from San
12 Francisco down to the United States Mexico International
13 Border, suddenly inserting themselves in a place that, while
14 there are some SIU companies in Southern California, it was a
15 very large leap in our eyes.

16 JUDGE SANDRON: And -- and you said that? You actually
17 said all of that?

18 THE WITNESS: Yes. I mean, our -- one of our concerns was
19 the SIU's expansion into Southern California.

20 JUDGE SANDRON: And did you get a res -- a response from
21 anyone?

22 THE WITNESS: Not specifically on that. You know, at
23 the -- at -- we didn't settle thing -- anything at that
24 meeting, and Matt Godden did say that essentially he --
25 actually, he did say -- not essentially -- that Centerline

1 thought that they would win on the legal front. I mean, we
2 were all aware that we had started filing various ULPs, et
3 cetera. So --

4 JUDGE SANDRON: All right. I -- I -- okay. Mr.
5 Hilgenfeld has his hand up, but I think you need to make sure
6 that you're -- you limit your testimony to, you know, what was
7 just said there.

8 Mr. Hilgenfeld?

9 MR. HILGENFELD: I would -- I would just note for the
10 record, the reason offers of compromise are not limited is
11 because it's supposed to have a free dialogue between people
12 after the -- after things have been going on. So a party
13 asserting how it believes litigation will be resolved is the
14 reason that offers of compromise are not offered. I'm just
15 making that for the record. Thank you, Your Honor.

16 JUDGE SANDRON: All right.

17 Okay. Okay. Well, I know -- I know it's a little hard to
18 maybe sever out the issue of recognition. But was -- was
19 anything else said on that subject at the meeting that you
20 recall, but leaving aside settlement of other matters?

21 THE WITNESS: No.

22 JUDGE SANDRON: Okay. And -- and when you said in his
23 email, are you referring to General Counsel Exhibit 32, or is
24 it -- was there another?

25 THE WITNESS: It was the one email from Matt Godden to

1 myself and John Skow.

2 JUDGE SANDRON: And that was the one --

3 THE WITNESS: The 10th -- yeah, I don't have it in front
4 of me. So the 10th of March?

5 JUDGE SANDRON: Was -- was that the one you showed the
6 witness, Mr. Rimbach, GC Exhibit 32?

7 MR. RIMBACH: Yes, Your Honor.

8 JUDGE SANDRON: All right. Well, I'll -- I'll admit
9 General Counsel's Exhibit 32. I think there's nothing in there
10 that would in any way prejudice the Respondent. And the
11 witness has said, it was a predictive discussion -- or one of
12 his answers related back to the document, so I'll admit it.

13 **(General Counsel Exhibit Number 32 Received into Evidence)**

14 Q BY MR. RIMBACH: Was anything discussed at that meeting
15 with respect to IBU keeping its work with Westoil?

16 A No, not at that meeting. I -- we did not discuss a
17 settlement at that meeting.

18 Q Now I'm not -- I'm not referring to a settlement. I'm
19 referring to -- was there any discussion with respect to labor
20 costs?

21 A Yes. They -- Matt Godden said that the -- that they would
22 have needed a 13 percent overall savings over the Westoil
23 contract in order to even be competitive.

24 Q How did that get brought up?

25 A Just in --

1 JUDGE SANDRON: Hold on just a second.

2 Mr. Hilgenfeld, you have an ongoing objection.

3 MR. HILGENFELD: Please, if the record could, just an
4 ongoing objection on this whole topic on this meeting.

5 JUDGE SANDRON: Okay, it's so noted.

6 Go ahead, Mr. Ubelhart.

7 THE WITNESS: Could you repeat the question, or --

8 Q BY MR. RIMBACH: How did that topic get brought up?

9 A It was just -- at the beginning of the conversation, Matt
10 Godden just said that Westoil was uncompetitive, that nonunion
11 companies, in particular, Vane Brothers, had moved into the
12 L.A. Long Beach market, and he actually said they ruined the
13 market. And we were just discussing the lay of the land in
14 Southern California as far as, you know, he was laying out.
15 And he just --

16 JUDGE SANDRON: And what was the name -- oh, excuse me, go
17 ahead. So you can go ahead and finish. I just want to get the
18 spelling of Vane on the record.

19 THE WITNESS: V-A-N-E, Vane.

20 JUDGE SANDRON: Okay, yeah, keep going, whatever else you
21 remember.

22 THE WITNESS: You know, and then just as part of that,
23 he's just saying, you know, Westoil being a unionized company
24 as opposed to Vane being a nonunionized company, was not
25 competitive down there.

1 Q BY MR. RIMBACH: About how long was that meeting?

2 A I don't actually recall. Certainly less than two hours.

3 MR. RIMBACH: At this time, I have no further questions.

4 But before we go off the record, I'd just like to also cite

5 Lennox Hill Hospital, 327 NLRB 1065, page 1067, footnote 4.

6 It's a 1999 case. Rule 408 does not apply to statements

7 relevant to claims other than those being settled in the

8 discussions.

9 JUDGE SANDRON: All right. I've admitted the document,

10 allowed the testimony. And I'll review the citations that Mr.

11 Hilgenfeld cited on the record, and if I determine they're

12 meritorious, I'll revisit my rulings.

13 MR. RIMBACH: Thank you, Your Honor. I have no further

14 questions at this time for Mr. Ubelhart.

15 JUDGE SANDRON: All right.

16 Mr. Iglitzin, do you have any questions for the witness?

17 MR. IGLITZIN: I do not, thank you.

18 JUDGE SANDRON: And Mr. Wojciechowski, do you?

19 MR. WOJCIECHOWSKI: No, thank you.

20 JUDGE SANDRON: All right. Well I think then we're ready

21 for cross-examination.

22 Do you want to state the circumstances of the affidavit on
23 the record, Mr. Rimbach?

24 MR. RIMBACH: Sure, thank you.

25 There are a total of four affidavits that Mr. Ubelhart has

1 provided to the Board. The first affidavit is dated March 2nd,
2 2021, consisting of seven pages. The second affidavit consists
3 of four pages and is dated March 16th, 2021. The third
4 affidavit consists of four pages and is dated May 24th, 2021.

5 There is a fourth affidavit that we do not intend on
6 providing, as it relates to pending investigations that are
7 currently open with the NLRB that are unrelated to the present
8 hearing. And that is in cases 21-CA-295722, and 21-CA-295725.

9 JUDGE SANDRON: So you are going to turn over three
10 affidavits to opposing Counsel?

11 MR. RIMBACH: Yes, Your Honor.

12 JUDGE SANDRON: How much time, Mr. Hilgenfeld, do you
13 think you need for those? I think Mr. Ubelhart has said he
14 needs to be out of his current location.

15 You said by 1 o'clock Pacific Time?

16 THE WITNESS: Yes.

17 JUDGE SANDRON: So it's 20 -- about 20 till. Do you know
18 how long it will be before you can resituate?

19 THE WITNESS: It shouldn't take that long. I mean, it --

20 JUDGE SANDRON: And that --

21 THE WITNESS: (Indiscernible).

22 JUDGE SANDRON: Do you think about a half hour would be
23 enough, Mr. Hilgenfeld?

24 MR. HILGENFELD: I -- I don't, Your Honor. I -- we don't
25 want to call Mr. Ubelhart back if we can. We're also going

1 through the subpoenaed documents that we received yesterday.
2 So I would ask to come back at 1:30, give lunch, as well.

3 JUDGE SANDRON: All right, okay. We'll -- we'll -- we'll
4 take then a re -- a meal recess, and we'll come back at -- at
5 1:30 then, Pacific time.

6 MR. HILGENFELD: Thank you.

7 JUDGE SANDRON: All right. Have a good lunch hour. Off
8 the record.

9 (Off the record at 12:39 p.m.)

10 JUDGE SANDRON: Cross-examination?

11 MR. HILGENFELD: Thank you.

12 **CROSS-EXAMINATION**

13 Q BY MR. HILGENFELD: Good afternoon, Mr. Ubelhart. Mr.
14 Ubelhart, do you have any knowledge regarding the IBU in
15 Southern California losing a jurisdictional arbitration over
16 OTB performing work in L.A. Long Beach?

17 MR. IGLITZIN: I'm going to object.

18 MR. RIMBACH: Objection, beyond the scope.

19 MR. IGLITZIN: That was going to be my objection as well.

20 JUDGE SANDRON: Yeah --

21 MR. HILGENFELD: He talked about -- he talked about
22 jurisdiction. He really went into jurisdiction, he went into
23 what IBU's jurisdiction was, he went into SIU's jurisdiction.
24 We can also subpoena Mr. Ubelhart and bring him back later if
25 we need to.

1 JUDGE SANDRON: Well I don't know how -- how far we want
2 to get into other areas.

3 MR. HILGENFELD: We are going to be offering this as part
4 of our case-in-chief, Your Honor. If we have to bring him
5 back, we will. I'm not sure he has any knowledge about it, so
6 it may be a simple no.

7 JUDGE SANDRON: All right. Well, we'll see if he says no,
8 and that will be the end of it. If he says yes, then I can
9 decide whether to allow further questions.

10 Q BY MR. HILGENFELD: Do you need me to restate the
11 question, Mr. Ubelhart?

12 A Please.

13 Q Certainly. Mr. Ubelhart, do you have any knowledge of the
14 IBU losing a jurisdictional arbitration to Westoil over OTB
15 performing work in L.A. Long Beach in 2015?

16 A Yeah, I know there was an arbitration.

17 Q And do you know what IBU lost?

18 MR. RIMBACH: Objection, beyond the scope, relevance.

19 JUDGE SANDRON: Well, I -- I think it is -- and we're
20 dealing with 2015.

21 MR. HILGENFELD: But it -- Your Honor, just if I may?

22 JUDGE SANDRON: Yes.

23 MR. HILGENFELD: This is an important part of the
24 Employer's case. The jurisdiction over OTB performing work in
25 L.A. Long Beach has long been known. It's part of the contract

1 of the case. It was negotiated in 2017 and 2018 over the terms
2 of that jurisdiction. Contract coverage of MV Transportation
3 allows us to get into this issue of where the unilateral change
4 occurred.

5 MR. RIMBACH: The contract speaks for itself as well.

6 MR. HILGENFELD: But the contract interpretation goes into
7 the bargaining, and what the parties intended. Past practice
8 is part of the contract.

9 JUDGE SANDRON: Well what do you -- Mr. Iglitzin?

10 MR. IGLITZIN: You know, I -- I'm fine having Mr. Ubelhart
11 testify that he knows that there was this arbitration in 2015,
12 and he knows that the IBU lost it. I think that's all he
13 knows, and maybe if we clarify that, we can be done with this.

14 JUDGE SANDRON: All right. That's fair enough.

15 Go ahead.

16 Q BY MR. HILGENFELD: Mr. Ubelhart, are you aware that the
17 IBU lost that arbitration?

18 A Yes.

19 MR. RIMBACH: I'd just like to note my ongoing objection
20 to this line of questioning.

21 JUDGE SANDRON: And so noted. We'll see how far Mr.
22 Hilgenfeld wants to go.

23 MR. HILGENFELD: On that topic, I'm done, Your Honor, with
24 Mr. Ubelhart.

25 Q BY MR. HILGENFELD: Mr. Ubelhart, were you president in

1 2017, 2018, at any point in time for the IBU during labor
2 negotiations?

3 A No.

4 Q Okay. So do you have any personal knowledge as to any
5 proposals that were submitted by the IBU during that period of
6 time?

7 A I do not.

8 Q Do you have any personal knowledge of the IBU being formed
9 in 2017 and 2018, that Westoil did not own the contracts or the
10 equipment?

11 MR. IGLITZIN: I'm going to object at this point, because
12 this is some kind of fishing expedition. If -- if Mr.
13 Hilgenfeld actually has questions about what -- that are
14 relevant to this hearing, he can ask them to Mr. Ubelhart. But
15 Mr. Ubelhart just said that he wasn't involved in bargaining
16 prior to 2017, 2018.

17 MR. HILGENFELD: I -- I'm just asking if he has knowledge.
18 If he doesn't, he doesn't.

19 But I will tell you, Your Honor, a central issue to this
20 case is that Westoil does not own the contracts or the
21 equipment. They were informed of that.

22 JUDGE SANDRON: All right. Well, I -- okay, but I don't
23 know if this witness is the proper vehicle to get that --

24 MR. HILGENFELD: If he doesn't -- and I've just asked if
25 he knows. If he doesn't know, I'll -- I'll move on.

1 JUDGE SANDRON: All right, go ahead.

2 Q BY MR. HILGENFELD: Mr. Ubelhart, do you have any
3 knowledge of whether the IBU was informed at the bargaining
4 table in 2017 and 2018, that Westoil did not own the equipment
5 or the contracts?

6 JUDGE SANDRON: All right, but he wasn't involved in -- in
7 the bargaining, so I'll sustain the objection.

8 Q BY MR. HILGENFELD: Mr. Ubelhart, when you became
9 president, were you informed that the IBU was approached by the
10 Union on November 6th, 2020, to negotiate for a bid proposal?

11 MR. IGLITZIN: I'm going to object on hearsay.

12 MR. HILGENFELD: I think we've had a lot of testimony on
13 hearsay. This is what he knows as the president of IBU.

14 MR. IGLITZIN: It's not important though. In other cases,
15 hearsay can be foundational. In this case, if they're -- if --
16 if Leo Marine, or Centerline, or OTB, or Westoil wants to put
17 on testimony as to its communications to a component of the
18 IBU, that's fine, but what Mr. Ubelhart was told upon becoming
19 president is not, as far as I can tell, relevant to anything.

20 MR. HILGENFELD: It certainly is, if he -- if he met --

21 JUDGE SANDRON: All right.

22 MR. HILGENFELD: John Skow and Mariana Secchitano told him
23 they'd met, and they had reached an impasse in bargaining in
24 November. It's certainly relevant as his president -- being
25 president of the IBU.

1 JUDGE SANDRON: Mr. Rimbach?

2 MR. RIMBACH: I request to strike Mr. Hilgenfeld's
3 speaking objection as facts not asserted --

4 JUDGE SANDRON: Okay.

5 MR. RIMBACH: -- facts not in evidence. In addition, Mr.
6 Ubelhart did not become president until December 15th, 2020,
7 and I believe Mr. Hilgenfeld's questions call for hearsay.

8 MR. HILGENFELD: I asked if --

9 MR. IGLITZIN: Yes, they are also beyond the scope of
10 direct, and I'll renew that.

11 JUDGE SANDRON: All right.

12 MR. HILGENFELD: They are not. They're -- we had
13 negotia -- Mr. Rimbach asked Mr. Ubelhart about the bid, and
14 Your Honor, you asked Mr. Ubelhart if he understood that the
15 parties had -- were not -- had reached a deadlock and were not
16 going to go any further. So I'm entitled to get into where he
17 knew his knowledge from, and what that knowledge is based on.

18 JUDGE SANDRON: And I -- I -- but that was limited to one
19 set of events that was more recent. I don't think we want to
20 get this witness to have to go into events that predated his
21 presidency.

22 And again, if you need to -- if you need to recall him,
23 you'll need to recall him. So sus -- the objection is
24 sustained.

25 Q BY MR. HILGENFELD: Mr. Ubelhart, when did you first

1 become aware that Westoil had approached the IBU regarding
2 bidding on work in Southern California?

3 A Early January of 2021.

4 Q Who informed you?

5 A John Skow.

6 Q Did Mr. Skow inform you that he had met with Westoil in
7 November of 2020 describing a -- a bargaining proposal?

8 A I do not recall that he did.

9 Q Do you recall if Mr. Skow informed you that Westoil and
10 the IBU had met in 2020 regarding submitting a proposal?

11 MR. IGLITZIN: I'm going to renew my objection based on
12 hearsay and relevance. There's testimony about conversations
13 with Mr. Skow, who's going to be a witness in this hearing,
14 then that's meaningful, what Mr. Skow did and did not relay to
15 Mr. Ubelhart has no evidentiary significance that I can think
16 of.

17 JUDGE SANDRON: Right. Well, if he is going to be
18 testifying, there's no need to ask Mr. Ubelhart what he heard
19 from that individual about what was said in other context.

20 MR. IGLITZIN: And I believe, just to be clear, I believe
21 that Mr. Skow is the next witness that the General Counsel has
22 called.

23 JUDGE SANDRON: All right. All right, based on that I'll
24 sustain the objection. You'll also have an opportunity to ask
25 that witness directly.

1 Q BY MR. HILGENFELD: The January period when you returned,
2 I believe you talked about in your direct, a January 2021
3 meeting that you attended with some IBU shop stewards, John
4 Skow, Brian Vartan, and Doug Houghton; do I have that correct?

5 A Yes.

6 Q Do you know if that was -- approximately when in Jan --
7 January, if you know, that that occurred?

8 A I think there were two or three meetings, and Doug
9 Houghton was at each one. I think Brian Vartan was at, at
10 least, one of them, so it might have started as early as the
11 5th of January and through about the 19th or 20th of January.
12 I don't recall the actual dates of the meetings. There were
13 more than one though.

14 Q Okay. And so the first meeting that occurred on or around
15 January 5th, who was present at that meeting?

16 A It would be myself, John Skow, Doug Houghton, I think
17 Brian Vartan, and then some of the shop stewards, and I don't
18 know the names of each and all of them. Cris Sogliuzzo --

19 JUDGE SANDRON: All right. I don't think, well, if you --
20 if you name them, you got to spell them, so --

21 MR. HILGENFELD: S-O-G-L-I-U-Z-Z-O.

22 MR. RIMBACH: The first name is C-R-I-S.

23 MR. HILGENFELD: Correct.

24 JUDGE SANDRON: Anyone else you remember specifically?

25 THE WITNESS: No.

1 Q BY MR. HILGENFELD: Was this first meeting on some type of
2 Zoom type platform?

3 A Yes.

4 Q And do you recall how long that this meeting went on for?

5 A No, I do not recall the length.

6 Q Do you recall what time of day this meeting occurred?

7 A Do not.

8 Q Do you recall -- do you recall who spoke at this meeting?

9 A Doug Houghton definitely spoke. John Skow spoke.

10 Q What do you remember about Doug Houghton speaking?

11 A He came up and, certainly at the first meeting -- there
12 was a series of meetings, so the subject matter was essentially
13 the same, but that -- the employer wanted some takebacks from
14 the IBU with their Westoil contract. And it was the first
15 meeting in early January, it was right after the announcement
16 of the equipment buy and sell and we had questions on what it
17 meant, what was going to happen. Nobody knew in the first week
18 of January what the outcome might be at that point.

19 JUDGE SANDRON: Was the -- was the 13 percent mentioned at
20 that meeting, or a later meeting; do you recall?

21 THE WITNESS: It could have been at that, or the -- I
22 don't recall when. I mean, that was a pretty constant figure
23 from the employer's side.

24 Q BY MR. HILGENFELD: And when you say takebacks, were they
25 talking to you about crewing and manning levels?

1 A Yes, that was one of things they were talking about, yes.

2 Q And would they -- did they talk to you about the IBU
3 limiting overtime -- overtime abuse?

4 A I don't really recall them bringing up overtime abuse.
5 The subject of overtime may have come up.

6 Q You would agree they did not ask for wage reduction,
7 correct?

8 A They did not ask for a wage reduction for IBU employees.

9 Q They did not ask for a benefit reduction from IBU
10 employees, correct?

11 A Yes, they did.

12 Q What was the benefit reduction that you believe they asked
13 for?

14 A One of the possibilities was to have people go to the
15 employer's medical plan, which certainly in our view would be a
16 benefit reduction.

17 Q So they would have health -- they would have health
18 coverage, but it would be under their employer plan, and not
19 the IBU plan; is that correct?

20 A Correct.

21 Q Do you recall any other things that you think are
22 takebacks that were mentioned in that January 5th meeting?

23 A I think manning, they, you know, wanted to reduce manning
24 in -- in some situations. Like going down to a one-man barge,
25 instead of having two person on a barge.

1 Q Isn't it true the manning is -- was actually dealing with
2 the third man issue, and not a tankerman issue?

3 A I think you're correct. They were bringing up the third
4 man issue.

5 Q And the third man issue is having a third person on the
6 tug when it is not required by Southern California Harbor
7 regulations, correct?

8 A I'm not super familiar with Southern California Harbor
9 regulations, but it was probably broached.

10 Q Do you recall any other things that you would consider a
11 concession or a takeback at that meeting?

12 A Not off-hand, no.

13 Q And you had stated the Union refused to negotiate, and
14 I -- I'm not trying to put words in your mouth, so please
15 reframe -- reframe it however you want to say it. My notes
16 indicate that in January, the Union refused to negotiate over
17 those issues. How would you frame it?

18 A I would -- I mean, it was --

19 MR. RIMBACH: Objection.

20 JUDGE SANDRON: What was that?

21 MR. RIMBACH: I'm -- I'm just going to object to asserting
22 facts not in evidence, and the characterization of that. It
23 can be rephrased.

24 JUDGE SANDRON: Yeah, I think it would be probably better
25 to -- to -- to rephrase it.

1 Q BY MR. HILGENFELD: I'm not trying to assert your
2 testimony here, Mr. Ubelhart, I'm trying to take notes when I
3 do things, so they're shorthand. My notes indicated that you
4 said that the IBU refused to negotiate in January 2021. I'm
5 trying to find out from your testimony what you said.

6 JUDGE SANDRON: All right.

7 MR. RIMBACH: I'm going to object again.

8 JUDGE SANDRON: Well, I'll -- I'll allow it. The witness
9 can say yes or no, or put it another way, so -- I'll -- I'll
10 allow it.

11 Did -- did you say that the Union did -- were not -- well,
12 how did you -- how did you respond, maybe we'll just get that
13 back again. I -- the -- the company was asking for these
14 various, what you call like, reductions, and -- and what was
15 your response? Why don't you do it -- without characterizing
16 it, why don't you just repeat what you said in response.

17 THE WITNESS: The Union's response was that we could not
18 accept some of the conditions that the employer put forward as
19 a condition of coming to an agreement.

20 Q BY MR. HILGENFELD: And you would agree, Mr. Ubelhart,
21 that the company never implemented any of its suggestions to
22 you, correct?

23 A Correct.

24 Q And when you said the Union could not agree, did that
25 occur in the January 5th meeting, or in all three, or when did

1 that occur?

2 A It certainly happened by the last meeting, I remember, in
3 January. I don't recall --

4 Q Would you agree at least at the last meeting in January
5 the parties were at impasse, or a deadlock on that issue?

6 MR. RIMBACH: I'm going to object. Calls for legal
7 speculation --

8 JUDGE SANDRON: Yeah.

9 MR. RIMBACH: -- a legal conclusion.

10 JUDGE SANDRON: Maybe you can just avoid that term.

11 MR. HILGENFELD: I'll -- I'll reframe it.

12 Q BY MR. HILGENFELD: Mr. Ubelhart, would you agree that the
13 Union after that January -- when -- I'll just step back. At
14 the end, you said there was three meetings, and at least by the
15 end of it, you had said, no. Was that a firm no from the
16 Union?

17 JUDGE SANDRON: That -- that you expressed to the company?

18 THE WITNESS: We could not accept, you know, some of the
19 concessions. The answer -- the answer would be yes. We could
20 not accept some of the concessions that they wanted.

21 JUDGE SANDRON: Were -- were any further meetings or
22 discussions scheduled or -- or, as far as you knew, was that
23 the end of the discussions?

24 THE WITNESS: For that period of time it was. There were
25 meetings much later, in like March and April.

1 JUDGE SANDRON: But -- but that -- they were not scheduled
2 until later?

3 THE WITNESS: Yeah. Yes.

4 MR. HILGENFELD: Thank you, Your Honor.

5 Q BY MR. HILGENFELD: And were you aware that -- well, I'll
6 take that back. I'll reframe that for Mr. Skow. We talked
7 about the first meeting on January 5th, is there anything else
8 about that first meeting on January 5th, 2021, that you
9 attended, that you can recall at this time?

10 A Not specifically, no.

11 Q Okay. Do you recall saying anything at that January 5th,
12 2021, meeting?

13 A Not off-hand, other than introduction, just the first time
14 I had any contact with Doug Houghton, but, you know, and I was
15 listening, I was like learn -- I mean, this was new information
16 coming up right after the announcement of the equipment
17 exchange. I know it wasn't exchange, the sale, and purchase.

18 Q And I believe you had -- when were you elected into your
19 IBU president position?

20 A December 15th, 2020.

21 Q Was John Skow elected in Regional Director position at
22 that same time?

23 A Yes, he was.

24 Q And that's an elected position, correct?

25 A Correct.

1 Q What do you -- do you recall John Skow saying anything,
2 and he -- he had been the Regional Director, I believe you
3 testified for 12 years or so since that point; is that correct?

4 A Yes, he's chaired multiple terms.

5 Q Do you recall John Skow saying anything at that January --
6 January 5th meeting?

7 JUDGE SANDRON: Well, other than what he said was the
8 Union's position, because we don't need him to repeat --

9 MR. HILGENFELD: Thank you, Your Honor. Yeah.

10 JUDGE SANDRON: -- what he said.

11 MR. HILGENFELD: Anything in addition. Yes.

12 THE WITNESS: Yeah, I -- specifically no. You know, it
13 was just discussions what the company knows.

14 Q BY MR. HILGENFELD: And you testified that you believed
15 there were two or three conversations in January; do I have
16 that correct?

17 A Yes.

18 Q Do you recall when the next one was after that approximate
19 January 5th meeting?

20 A I don't know, maybe a week later. You know, I -- I don't
21 have the exact dates of each and every meeting in my head.

22 Q Did you take any notes at any of these meetings?

23 A Yes, I did.

24 MR. HILGENFELD: Have those been produced, Dmitri?

25 MR. IGLITZIN: I -- I -- if -- I'd have to look, I -- if

1 it was responsive to your discovery inquiry, it was produced.

2 MR. HILGENFELD: Okay.

3 Q BY MR. HILGENFELD: On the second meeting, you said
4 approximately a week or so later; did I hear that correct?

5 A Correct.

6 Q Who attended for the Union?

7 A John Skow, myself, and I believe some of the shop
8 stewards, or in -- Westoil -- Westoil employee shop stewards.

9 Q And who a -- attended for the employers?

10 A With -- Doug Houghton was at all of them, and I just don't
11 recall -- Brian Vartan wasn't there, I don't believe, at every
12 single one. Which of the meetings he might have missed, I
13 cannot recall.

14 Q What -- do you recall anything specific that anyone said
15 at this meeting?

16 A In general --

17 JUDGE SANDRON: All right. I -- I think beyond what was
18 already said at the first meeting.

19 MR. HILGENFELD: Correct, we don't need to duplicate if
20 it's just saying the same thing.

21 Q BY MR. HILGENFELD: Did anyone say anything different?

22 A We passed back different ideas of, you know, the company
23 had wanted XYZ, and we responded in some fashion, but
24 specifically, you know, we responded to either their proposals
25 or --

1 Q And I know it's difficult with memory. I'm just going to
2 ask you, to the best of your ability, when you say we, and I
3 know you're talking about the global Union, IBU, we. Do you
4 recall if there's any specific person that passed that back and
5 forth?

6 A John Skow would be the lead spokesperson for the IBU in
7 that situation.

8 Q Okay.

9 JUDGE SANDRON: Did you reach any kind of, say, tentative
10 agreements on anything at -- at these meetings? You know, like
11 assuming that there was a -- like a full agreement on the --
12 the -- the issue, did you reach any kind of like tentative
13 agreements on any particular points that the company was
14 requesting?

15 THE WITNESS: I don't think so. I knew we didn't T.A.
16 anything.

17 JUDGE SANDRON: All right. So -- so it was just
18 discussions?

19 THE WITNESS: Yes.

20 JUDGE SANDRON: But -- I -- and I -- but can you be a
21 little -- just -- I don't want to get -- go -- go too far into
22 it, but you say there were discussions, so was it basically the
23 company repeating what it was asking for and the Union
24 basically not agreeing to acquiescent those changes, or -- or
25 was it different?

1 THE WITNESS: I -- I would say different. For -- as an
2 example, they -- you know, said they wanted some flexibility in
3 scheduling, and I'm not an expert in how they schedule -- not
4 the company, but you know, we went back and forth, and you
5 know, at some point with our -- just our own members, like,
6 could we maybe say yes to this change in scheduling. But we
7 never, you know, reached an agreement, or came to a tentative
8 agreement on any particular thing, but they were discussed.

9 JUDGE SANDRON: I see. Okay. Thank you.

10 Q BY MR. HILGENFELD: Do you recall at that January 5th
11 meeting, if John Skow -- what -- asked what the timeline of the
12 transfer was going to be for the Glencore work?

13 A I don't, but I -- I recall at some point that being asked,
14 sometime in the January time frame.

15 Q And do you recall Mr. Houghton saying sometime in
16 February?

17 A I believe that is correct.

18 Q Do you recall if Doug Houghton asked if the Union would be
19 willing to open negotiations for a contract?

20 A Yes.

21 Q Do you recall the Union saying no?

22 A Yes, we had a, and still have a collective bargaining
23 agreement that runs through November 30th, 2020.

24 JUDGE SANDRON: 2020?

25 THE WITNESS: Or 2022, I'm sorry. This year -- November

1 30th, 2022.

2 Q BY MR. HILGENFELD: Do you recall Doug Houghton informing
3 you that Glencore had required a significant reduction to keep
4 the Glencore work?

5 A Yes.

6 Q Do you recall Doug Houghton telling you the contract was
7 up at the end of December of 2020?

8 A I -- yeah, at some point, yes.

9 JUDGE SANDRON: At one of the meetings, you said that?

10 THE WITNESS: Yeah.

11 JUDGE SANDRON: You're not sure which one?

12 THE WITNESS: I am not sure which one.

13 MR. HILGENFELD: Fair enough.

14 Q BY MR. HILGENFELD: Has -- do you recall anything else
15 that was said differently in that second meeting?

16 A Not really, no.

17 Q And I believe you've testified at the third meeting there
18 was -- first off, when was the third meeting?

19 JUDGE SANDRON: Yeah, okay. Just one thing, I'm not sure
20 that he -- I'm not sure that he did all of what he's just
21 answered to the second meeting. But anyway, his testimony
22 will, you know, is on the record. I'm not sure he specifically
23 stated it was at the second meeting. But anyway, you can go on
24 to the third meeting.

25 MR. HILGENFELD: Thank you, Your Honor.



1 Q BY MR. HILGENFELD: Mr. Ubelhart, when approximately was
2 the third meeting after the second meeting?

3 A It was later, January, I don't know, 18th to 20th,
4 perhaps.

5 Q And in this third meeting -- I guess I should ask, in the
6 second meeting, was that also by Zoom or some type of Zoom
7 platform?

8 A Yes.

9 Q Was the third meeting also a Zoom type platform?

10 A Correct, yes.

11 Q I think we're all very well aware of this now, but COVID
12 was going on at that period of time; is that correct?

13 A Yes.

14 Q And this Zoom -- third Zoom meeting, were the same people
15 present for the IBU?

16 A I -- yeah, I believe so. You know, individuals, maybe a
17 shop steward, or -- or one of the Westoil workers. A new one
18 may have come in. One admitted previously may not have been
19 there, but --

20 Q Do you remember anyone different from the company that was
21 there?

22 A I do not, no.

23 JUDGE SANDRON: Just so we have it on the record, how --
24 how many shop -- you might have said this earlier, but how many
25 shop stewards participated in those meetings on the average of

1 the three meetings?

2 THE WITNESS: Two to three.

3 Q BY MR. HILGENFELD: Was Mr. Vera there at any of these
4 meetings?

5 A Who?

6 Q Mike Vera.

7 A Yes, he was at some of them. I don't believe at every one
8 of them.

9 Q And he's actually a patrolman; is that correct?

10 A Yeah, he's a patrolman, business agent, for the
11 Inlandboatmen's Union Southern California. But it's V-E-R-A.

12 JUDGE SANDRON: Thank you.

13 Q BY MR. HILGENFELD: In this third meeting, I -- I believe
14 you testified at that one there was a firm no, with no
15 scheduled meetings afterwards --

16 MR. RIMBACH: Objection.

17 JUDGE SANDRON: Yeah, I -- I think -- I'm going to
18 characterize his testimony -- I -- I think he al -- he's
19 already said there was no agreement reached.

20 Q BY MR. HILGENFELD: And there was -- there was no
21 agreement to add additional dates at that time, correct?

22 A Correct.

23 Q Was the Union going to move from its offer at that time?
24 Or its position from that time?

25 MR. RIMBACH: Objection. Calls for speculation.

1 JUDGE SANDRON: Yeah, I think he's already said what was
2 said, so I think that's what --

3 MR. HILGENFELD: Has --

4 JUDGE SANDRON: -- yeah, I think what was in his mind,
5 it's not really --

6 Q BY MR. HILGENFELD: Has the Union ever moved from its
7 position that it had at that period of time?

8 A We had later discussions with Centerline in March and
9 April, but still came to no conclusion, so --

10 Q Did you ever move from your position?

11 MR. RIMBACH: Objection. Asked and answered.

12 JUDGE SANDRON: I -- I think -- what were the positions of
13 the parties in January, did they remain the same, during later
14 negotiations or meetings?

15 THE WITNESS: Yes.

16 Q BY MR. HILGENFELD: Okay, thank you. Was there anything
17 else that you can recall right now that was discussed at that
18 third meeting that we've not discussed?

19 A No.

20 Q And now I recognize it's hard going back in time, it's
21 hard categorizing different things, is there anything we've not
22 discussed that you believe happened at one on those three
23 meetings in January?

24 A No.

25 Q There's some -- you mentioned, under direct, Vane

1 Brothers, and Vane Brothers is a nonunion company; is that
2 correct?

3 A Yes, to my knowledge, in -- in southern California at
4 least.

5 Q Did you know that Westoil had lost the Marathon contract
6 to Vane Brothers in 2017?

7 A No.

8 MR. RIMBACH: Objection. Relevance.

9 JUDGE SANDRON: Well, he doesn't know, so --

10 Q BY MR. HILGENFELD: You had mentioned though, Doug
11 Houghton, I believe, talked about losing work to Vane Brothers,
12 correct, under direct?

13 A Yes.

14 Q Did Mr. Houghton tell you who they lost Vane Brothers --
15 who -- what contract had been lost to Vane Brothers?

16 A I don't recall.

17 Q Okay. Mr. Ubelhart, have you worked for a tug and barge
18 company?

19 A No.

20 Q Do you know the difference under the Westoil IBU contract
21 between the casual list and ASAP weekenders list?

22 A A bit, yes.

23 Q So what -- how would you describe the difference?

24 MR. IGLITZIN: I'm going to object to that.

25 JUDGE SANDRON: Yeah, I --

1 MR. IGLITZIN: The Regional Director of the Southern
2 California Region who monitors and enforces this contract on a
3 day-to-day basis is going to be clearly a better witness than
4 the national president who has never had any direct
5 responsibility for Southern California.

6 JUDGE SANDRON: Well, I would -- I agree.

7 MR. HILGENFELD: That's fine, I'll move on.

8 Q BY MR. HILGENFELD: And would Mr. Skow would be a
9 better person to talk about any of my contract questions with,
10 Mr. Ubelhart? JUDGE SANDRON: Or are you talking to Mr.
11 Iglitzin?

12 MR. HILGENFELD: I'm really asking Mr. Ubelhart. I just
13 want to make sure his knowledge -- I'm not going to get to Mr.
14 Skow and he's going to say, well, you should talk to Jay
15 Ubelhart about that.

16 Q BY MR. HILGENFELD: So as far as it relates to Westoil and
17 IBU, is John Skow the better person to talk to about those
18 questions?

19 A Yes he is.

20 Q Okay. Thank you. Did you ever receive a notification
21 from the company that it had entered into a labor agreement
22 between Leo Marine Services and the SIU in early March 2022 --
23 2021?

24 A I do not think so, no.

25 Q Okay. Drawing your attention to what's been marked as

1 Respondent's Exhibit 112. I recognize this is not directed at
2 you and we should talk with Mr. Skow. That is perfectly fine.
3 But did you ever receive a letter from Brian Vartan at Westoil
4 to John Skow dated January 20th, 2021?

5 A Yes, I have. I've received that letter.

6 Q Okay. Were you copied on this letter at that time?

7 A I don't recall whether it was forwarded to me or whether I
8 was copied on that letter.

9 Q And did you review that letter at that period of time?

10 A I believe I did, yes.

11 Q Did you review the contents of the letter related to the
12 Glencore work?

13 A I've read it, yes.

14 Q And -- and if you need to read it now, feel free. I'm
15 not -- I'm not trying to go through it. But when you read this
16 letter -- this was drafted and signed by Mr. Vartan; is that
17 correct?

18 A Yes.

19 Q Is there anything in the Glencore work piece when you
20 received this letter that you disagreed with, to your
21 knowledge?

22 MR. IGLITZIN I'm going to object. Beyond the scope of
23 direct.

24 JUDGE SANDRON: Sustained. Do you want -- do you want to
25 offer the -- the document?

1 MR. HILGENFELD: We will offer Respondent's 112, please.

2 JUDGE SANDRON: Any objection to the document?

3 MR. RIMBACH: Not from the General Counsel.

4 MR. IGLITZIN: Not from the IBU.

5 JUDGE SANDRON: Okay. Mr. Wojciechowski, any objection?

6 MR. WOJCIECHOWSKI: No.

7 JUDGE SANDRON: All right. The document is received.

8 **(Respondent Exhibit Number 112 Received into Evidence)**

9 Q BY MR. HILGENFELD: Mr. Ubelhart, you testified previously
10 about Pacific Maritime having a labor agreement with the IBU in
11 Alaska. Would you maybe have meant Pacific Coast Maritime?

12 A You are correct. Yeah, PCM. I'm sorry. We've got --

13 Q No problem.

14 A -- a number of companies with similar names.

15 Q Mr. Ubelhart, would you agree that the -- the actual
16 contents of the collective bargaining agreement are the best
17 place to look for the actual scope of the work between the IBU
18 and Westoil?

19 MR. RIMBACH: Objection.

20 JUDGE SANDRON: Sustained.

21 Q BY MR. HILGENFELD: Well, Mr. Ubelhart, you testified that
22 the work performed is in the L.A. Long Beach Harbor, but --

23 A Right.

24 Q -- would you agree that the actual work performed under
25 the labor agreement actually goes from Mexico up to --

1 MR. RIMBACH: Objection. This document speaks for itself.

2 JUDGE SANDRON: I -- well, he --

3 MR. HILGENFELD: Well, that's my question. If we go to
4 the document, I'm perfectly fine going to the document. But
5 his testimony is contrary to what the document was. So --

6 MR. IGLITZIN: That's -- you can make that argument --

7 MR. RIMBACH: Right.

8 MR. IGLITZIN: -- Mr. Hilgenfeld.

9 MR. HILGENFELD: Okay, that's --

10 JUDGE SANDRON: I -- I think so. My -- the -- the
11 document would seem to be the best description.

12 MR. IGLITZIN: And that's especially true because Mr.
13 Ubelhart testified he wasn't involved in negotiating the
14 agreement. So he's just not --

15 MR. HILGENFELD: Which is why I asked --

16 JUDGE SANDRON: All right.

17 MR. HILGENFELD: -- if the contract was the best place to
18 go.

19 MR. IGLITZIN: But his -- his opinion --

20 JUDGE SANDRON: All right.

21 MR. IGLITZIN: -- on that -- it's a legal opinion.

22 JUDGE SANDRON: Yeah, I -- I thi -- I think the contract
23 speaks for itself. And -- and we're going to assume it's
24 controlling.

25 Q BY MR. HILGENFELD: When you met with Mr. Houghton, do you

1 recall if he informed you that other contracts were coming due
2 in Southern California?

3 JUDGE SANDRON: Are -- are you talking about the January
4 meetings?

5 Q BY MR. HILGENFELD: In January of 2021, do you recall if
6 Mr. Houghton informed you that other contracts were due in
7 Southern California?

8 A I do not recall whether they were brought up.

9 Q Are you aware of any other contracts that Westoil --
10 MR. HILGENFELD: I'll take that back.

11 Q BY MR. HILGENFELD: The ILWU's affiliated with the IBU; is
12 it not?

13 A Actually, the IBU is affiliated with the ILWU. But
14 they're an international Union, and we are the marine division
15 of the ILWU.

16 Q Are you familiar with Nolan Padilla?

17 A Yes, I know Nolan Padilla.

18 Q Was Nolan Padilla on the January 5th meeting, to the best
19 of your recollection?

20 A I think he probably was. But you know, without
21 extemporaneous notes in front of me, I don't recall each person
22 that was at each meeting.

23 Q Do you recall if Mike Zuanich was at that meeting?

24 A I actually think Mike probably was at that meeting.

25 JUDGE SANDRON: Do -- do we have that spelling? I'm not

1 sure.

2 MR. HILGENFELD: Z-U-A-N-I-C-H, I believe. I believe
3 (indiscernible, simultaneous speech) --

4 JUDGE SANDRON: That's --

5 MR. HILGENFELD: -- computer.

6 JUDGE SANDRON: All right. I think we have Padilla
7 already in the record. Do we? I mean, if not, maybe you
8 should just spell it so we make sure.

9 MR. HILGENFELD: Oh. Michael, M-I-C-H-A-E-L, and then
10 Zuanich, Z-U-A-N-I-C-H.

11 JUDGE SANDRON: And -- and Padilla is already in the
12 record?

13 MR. HILGENFELD: Nolan Padilla, N-O-L-A-N. Padilla I
14 believe is P-A-D-I-L-L-A.

15 Q BY MR. HILGENFELD: Do you recall during the January
16 meetings --

17 MR. HILGENFELD: I take that back. Never mind. Strike
18 that.

19 Mr. Ubelhart, I really appreciate your time this
20 afternoon. Thank you.

21 JUDGE SANDRON: Mr. Rimbach, redirect?

22 MR. RIMBACH: Could I please have just one minute to
23 review my notes, Your Honor?

24 JUDGE SANDRON: Yes.

25 MR. RIMBACH: Thank you. I have no questions for

1 redirect, Your Honor. Thank you.

2 JUDGE SANDRON: All right. Mr. Iglitzin, any questions?

3 MR. IGLITZIN: I have no questions. Thank you.

4 JUDGE SANDRON: And Mr. Woj -- Wojciechowski, do you have
5 any?

6 MR. WOJCIECHOWSKI: No, no questions. Thank you.

7 JUDGE SANDRON: All right. Mr. Ubelhart, you testified
8 for the entire day, so I'm sure you're glad to be done. So
9 you -- you're excused. You can get a --

10 THE WITNESS: All right.

11 JUDGE SANDRON: -- you can get a -- a rest after this.
12 Please don't discuss your testimony with any other witnesses
13 until the trial is over.

14 THE WITNESS: Yes.

15 JUDGE SANDRON: Okay.

16 THE WITNESS: Understood.

17 JUDGE SANDRON: Okay. Thank you. All right. Well,
18 that --

19 THE WITNESS: Thank you.

20 JUDGE SANDRON: I think we're ready to adjourn. At this
21 point, I want to thank our court reporter, Ms. Denlinger, for
22 her service this week, and also Jacqueline Judge for being the
23 courtroom deputy today.

24 So I -- I -- I would urge in the recess before we resume
25 in two -- approximately two weeks, on the 29th, if the parties

1 can, as they did today, enter into any stipulations of fact, I
2 think that would be helpful. But as I said earlier, I think
3 the time that is spent on stipulations is well worth it.

4 Does anybody have anything they'd like to say before we
5 adjourn today? Mr. Hilgenfeld?

6 MR. HILGENFELD: This doesn't need to be on the record.

7 JUDGE SANDRON: Oh. Oh, did you -- all right. We can --
8 anything that anybody wants on the record?

9 MS. YASSERI: Yes, Your Honor, for the General Counsel.
10 I'd like to bring up an issue with respect to the privilege log
11 that was provided to the General Counsel earlier this week. We
12 have reviewed the privilege log, and it's our position that
13 it's not compliant with the Federal Rules of Civil Procedure or
14 the Board's decision in CNN America, and we ask that it be
15 cured during the two-week break that we have so that we can
16 essentially review whether the asserted privileges have a valid
17 basis or not.

18 The log that was provided to us does not -- it reflects
19 over 86 pages of hundreds of entries of various emails, none of
20 which it -- references subject matter. So we're not able to
21 clearly assess whether the asserted privileges were properly
22 placed or not. And -- and we ask that one be provided
23 consistent with the Federal Rules of Civil Procedure and Board
24 law.

25 JUDGE SANDRON: May -- maybe you can confer on that with

1 Mr. Hilgenfeld after we adjourn and during the hiatus and see
2 if you can resolve those matters. If not, you can address them
3 when we resume --

4 MS. YASSERI: Okay.

5 JUDGE SANDRON: -- on August 29th.

6 MS. YASSERI: Thank you, Your Honor. I'm sorry. One
7 other item is we ask just on the record that the affidavits
8 that were provided to --

9 JUDGE SANDRON: Yes.

10 MS. YASSERI: -- Mr. Hilgenfeld with respect to Mr.
11 Ubelhart be destroyed.

12 JUDGE SANDRON: Okay. I think I'll -- I'll make an -- an
13 ongoing directive that after each witness has testified for the
14 General Counsel and the Respondent has completed cross-
15 examination and the witness is excused, that the affidavits be
16 destroyed.

17 MR. HILGENFELD: Understood.

18 MS. YASSERI: Thank you, Your Honor.

19 JUDGE SANDRON: All right. I think, Mr. Hilgenfeld, you
20 had one thing you wanted to say, but we can do that off the
21 record.

22 So officially, then, we will stand adjourned until August
23 29th at 12:00, noon, Eastern time, 9:00 a.m. Central.
24 Everybody stay -- Pacific. Everybody stay well in the interim.
25 We stand, then, adjourned. Off the record.

1 MR. HILGENFELD: Thank you, Your Honor.

2 MS. YASSERI: Thank you.

3 **(Whereupon, the hearing in the above-entitled matter was**
4 **recessed at 2:20 p.m. until Monday, August 29, 2022 at 9:00**
5 **a.m.)**

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C E R T I F I C A T I O N

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 21, Case Numbers 19-CA-273208, 19-CA-273220, 19-CA-273226, 19-CA-273928, 19-CA-273985, 19-CA-273771, 19-CA-273986, 21-CA-273926, Leo Marine Services, Inc., Olympic Tug & Barge, Inc., and Centerline Logistics Corporation, et al., held at the National Labor Relations Board, Region 21, 312 North Spring Street, Suite 10150, Los Angeles, California 90012, on August 12, 2022, at 9:05 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.


JACQUELINE DENLINGER

Official Reporter